USACE Baltimore District Webinar
Chesapeake Bay Total Maximum Daily Load Regional General Permit
(Bay TMDL RGP)
23 July 2015
The webinar will begin shortly

Chesapeake Bay Total Maximum Daily Load Regional General Permit (Bay TMDL RGP)

Welcome

Beth Bachur
Regulatory Branch
Permit Process Manager

Chesapeake Bay TMDL

The U.S. Army Corps of Engineers is accepting applications for projects being undertaken in waters of the U.S., including wetlands, to meet Chesapeake Bay TMDL goals within the State of Maryland, the District of Columbia, and applicable military installations in northern Virginia (i.e., Fort Belvoir, Fort Myer, and the Pentagon) that are eligible for authorization under the Bay TMDL RGP.The application forms used to apply for permits depend on the State in which the work is to be accomplished. All applications for regulated activities under the Bay TMDL RGP shall be completed using the established Corps permit applications procedures for Maryland, Virginia, and the District of Columbia. Please reference our Permit Types and Processes (http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx) for the appropriate application form to apply.

An application must be submitted in accordance with the established Corps permit application procedures for all proposed activities under the Bay TMDL RGP.

Category I and Category II Bay TMDL RGP Activities: Proposed activities that qualify for self-verification in accordance with the terms and conditions of the Bay TMDL RGP (Category I and II) may proceed without written verification from the Corps after the applicant has:

1. Confirmed that the activity will be conducted in compliance with the terms and conditions of this Bay TMDL RGP, which may include consultation with the Corps and/or outside relevant Federal and State agencies.

2. Submitted a completed Self-Verification Notification Form (Appendix 2 of the Bay TMDL RGP) and appropriate permit application.

3. Obtained all required State and local authorizations.

Category III Bay TMDL RGP Activities: Proposed activities that do not qualify for self-verification or where otherwise required by the terms of the Bay TMDL RGP must obtain written verification from the Corps before starting work in waters of the U.S., including wetlands. An applicant must submit a permit application and a completed Pre-Construction Notification Form (Appendix 3 of the Bay TMDL RGP) for project-specific review and verification by the Corps. In some cases, agency coordination is required.

For More Information

Website Address:

http://nab.usace.army.mil/missions/regulatory/baytmdl.aspx

Beth Bachur

Permit Process Manager

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Presenters

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Logistics

- Participants' phone lines are muted.
- Webinar is being recorded for your future reference.
- Questions are welcome at any time during the webinar through chat window.
- To chat move your mouse over the top center of your screen and a panel will appear. Click on Chat to send us a question.

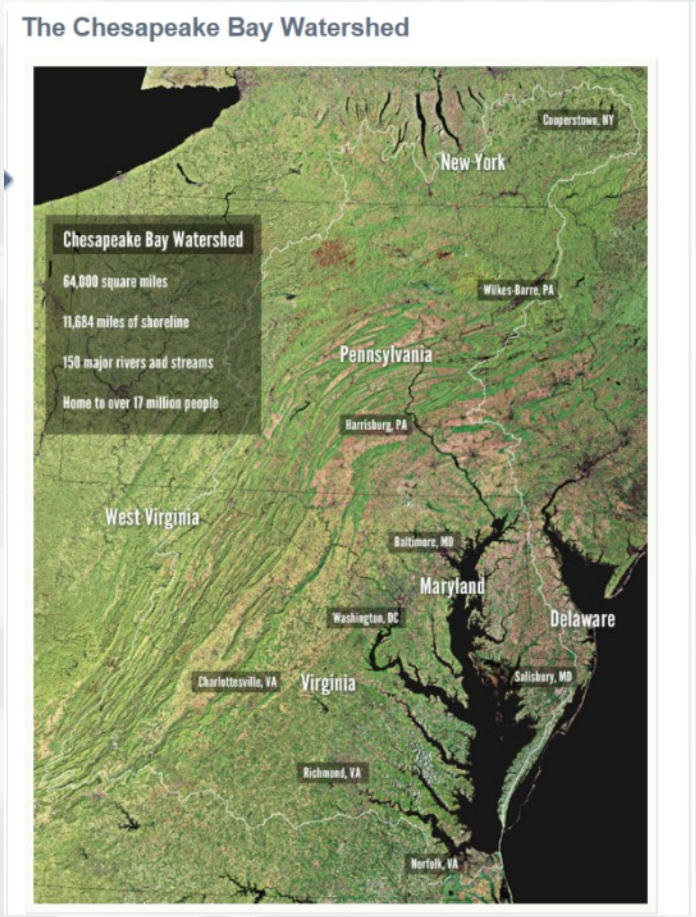
Chesapeake Bay Program

Support

Heather Cisar
Planning Division
Chesapeake Bay Program
Manager

What is the TMDL?

On Dec. 29, 2010, the U.S. Environmental Protection Agency established the Chesapeake Bay Total Maximum Daily Load (TMDL), a historic and comprehensive "pollution diet" with rigorous accountability measures to initiate sweeping actions to restore clean water in the Chesapeake Bay and the region's streams, creeks and rivers.



USACE Long Term Chesapeake Bay Program Partner

Chesapeake Bay Program Six-Year History

2009	2010	2011	2012	2013	2014	2015
Executive Order 13508 Chesapeake Bay Protection and Restoration (May 2009)	Strategy for Protecting and Restoring the Chesapeake Bay Watershed (May 2010)	FY11 Annual Action Plan	FY11 Progress Report and FY12 Action Plan	FY13 Action Plan FY12 Progress Report	FY14 Action Plan FY13 Progress Report New 2014 Bay Agreement	FY14 Progress Report 2015 Management Strategies and

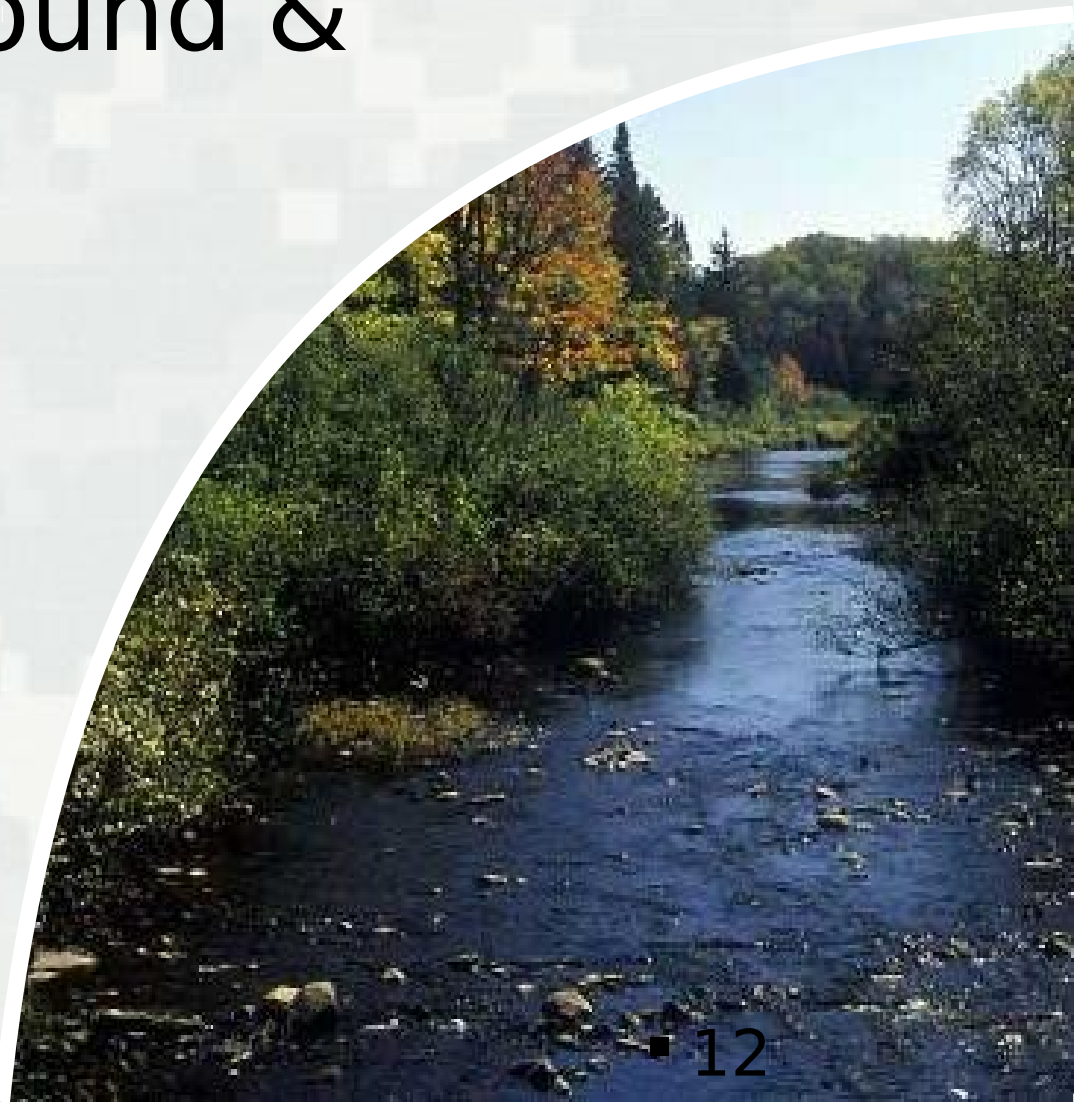
USACE Activities & Contributions Supporting Federal, State and Local Communities

On Going Bi annual Agency Workplans support EO 13508 and 2014 Chesapeake Bay Agreement Restoration and

- Questions?

Permit Background & Purpose

Beth Bachur
Regulatory Branch
Permit Process Manager



Bay TMDL RGP Background

- Corps received suggestions to establish new permit streamlining tools for Bay TMDL activities
- Projected increase in the number of applications for Bay TMDL projects over next decade (2015-2025).
- Existing general permit tools (e.g., 2012 Nationwide Permits) did not authorize certain activities involving minimal conversion of aquatic resources to uplands or between aquatic resource types

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Bay TMDL RGP Purpose

- Provides an efficient form of Department of the Army authorization for:
  - Recurring activities in waters of the U.S.
  - Part of acceptable watershed strategy such as a WIP that is proposed to meet the Chesapeake Bay TMDL goals for nutrient and sediment reduction
  - Result in minimal individual and cumulative adverse effects on the aquatic environment
- Supports permit streamlining goals of the Chesapeake Bay Executive Order 13508

Bay TMDL RGP Typical Projects Identified in WIPs

- Retrofit:
  - Existing stormwater management facilities
  - Existing stormwater management outfalls

- Restoration and enhanceme
  - Non-tidal stream channel
  - Non-tidal wetland

Bay TMDL RGP Contacts & Website

- http://www.nab.usace.army.mil/Missions/Regulatory/BayTMDL.aspx

- Beth Bachur
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- Jack Dinne (Maryland, MD SHA)
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- Erica Schmidt (Maryland, DC, northern VA)
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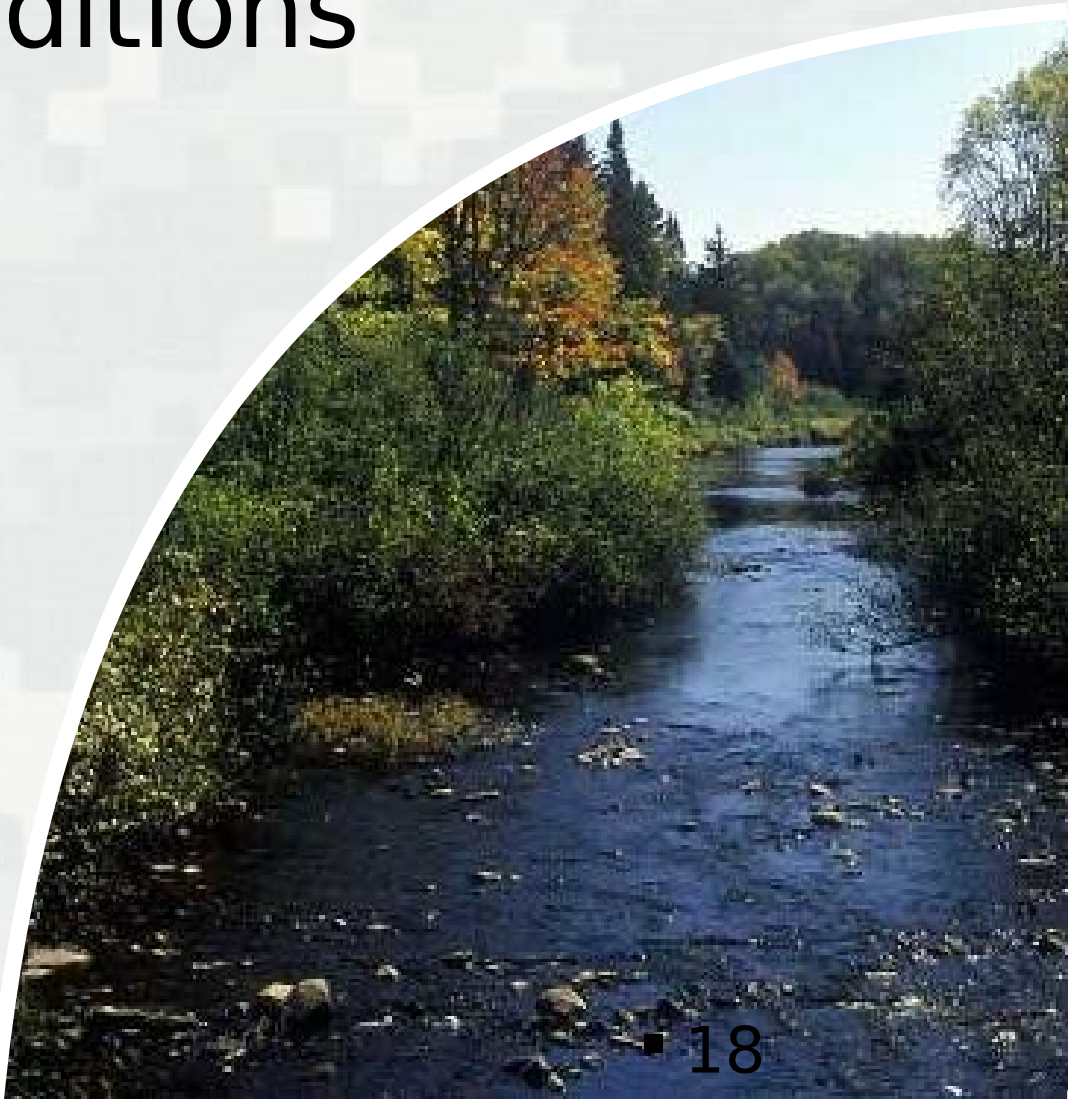
- Questions?

Terms and Conditions

Jack Dinne
Regulatory Branch
Maryland Section



The Basics

- Acronym - Bay TMDL RGP
- Effective Date - July 1, 2015
- Expiration Date - June 30, 2020
- Issuing Office - U.S. Army Corps of Engineers, Baltimore District Regulatory Branch
- Permit Number - NAB 2014-00602

Presentation Outline

- Bay TMDL RGP authorities
- Applicable and excluded waters of the U.S.
- Impact area including conversion thresholds
- Activities authorized
- Activities not authorized
- Stream assessment and degradation criteria

Presentation Overview

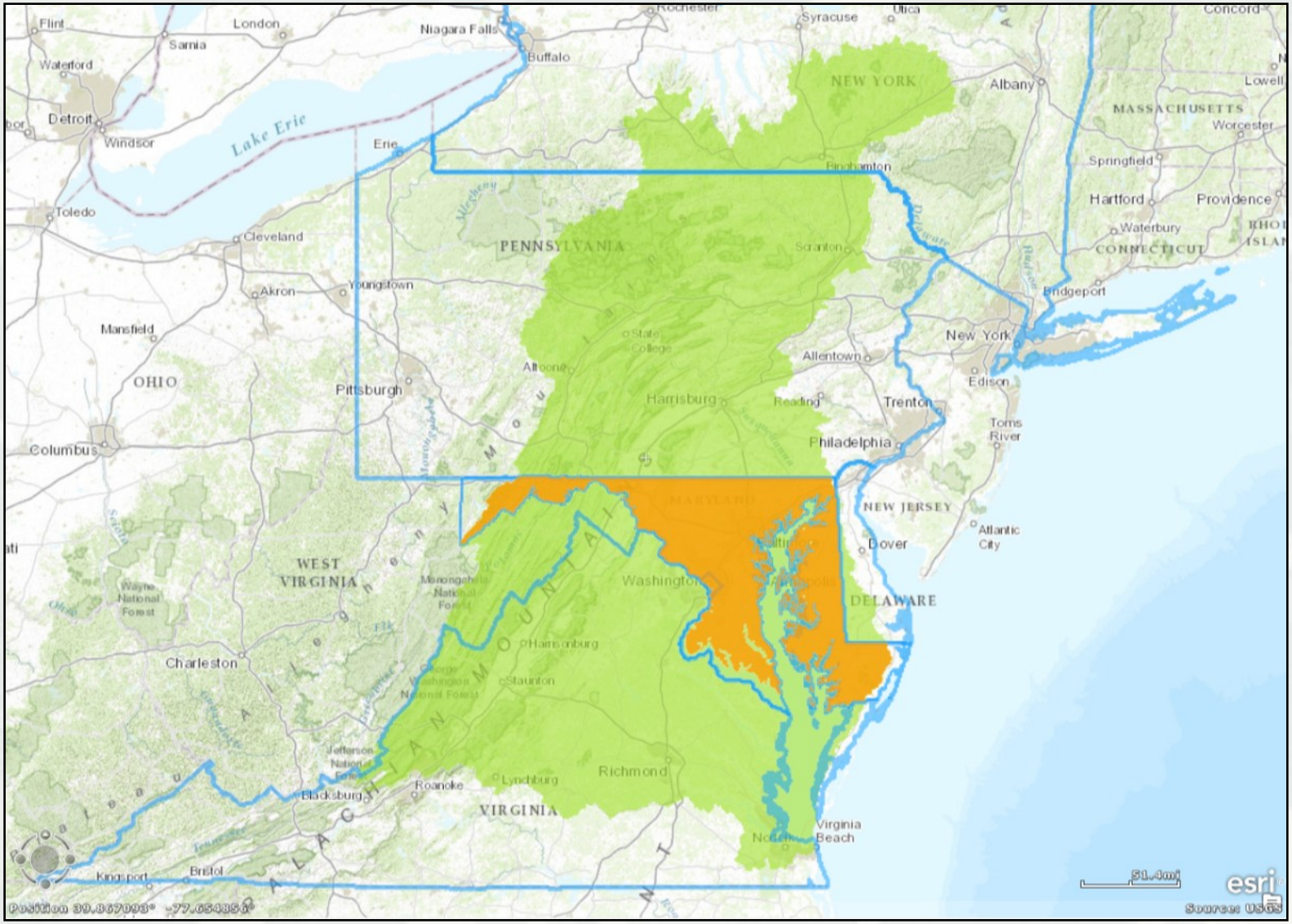
- How to apply
- Application submittal thresholds
- Types of forms
- Agency coordination
- General Conditions

Section I and II

- Bay TMDL RGP Authorities
  - Section 10 of the Rivers and Harbors Act
  - Section 404 of the Clean Water Act

- Bay TMDL RGP Applicable Locations
  - Maryland (Chesapeake Bay watershed)
  - District of Columbia
  - Fort Belvoir, Fort Myer, and the Pentagon

Section II: Applicable Locations



Section III – Excluded Waters

- Excluded waters of the U.S.
  - Channelward of the high tide line (i.e., tidal waters).
  - Excluded waters in Maryland include:
    - Youghiogheny & Chincoteague 8 digit HUCs
    - the adjacent and contiguous jurisdictional wetlands to Back Creek of the Chesapeake and Delaware Canal (within the regulatory geographic boundary of the Philadelphia District).

Section IV : Impact Area and Conversion Thresholds

- Bay TMDL RGP Impact Area
  - Total temporary and permanent impact to nontidal waters of the U.S., including jurisdictional wetlands, for the overall project **must not exceed 1.0 acre** (43,560 square feet).
  - Total temporary and permanent impact to nontidal waters of the U.S., including jurisdictional nontidal wetlands, for the overall project, **must not exceed 2,000 linear feet** of streams, rivers, open waters, individually or cumulatively.

Section IV – Impact Area and Conversion Thresholds

- Bay TMDL RGP Impacts:
  - From a single and complete project.
  - Include permanent and temporary.
  - Include all attendant features.
  - Include individual and cumulative.
  - Include direct and indirect.
  - Must be minimal individually and cumulatively.

Section IV - Impact Area and Conversion Thresholds

- Impacts Associated with Retrofit Activities are:
  - Limited to existing facilities.
  - Limited to minimum necessary to reduce nutrient and sediment loads to meet Bay TMDL goals.

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Section IV - Impact Area and Conversion Thresholds

- Conversion Thresholds for Stream and Wetland Restoration and/or Enhancement
  - Restore functions that support and/or enhance aquatic biological resources.
  - Are limited to minimum necessary to reduce nutrient and sediment loads to meet Bay TMDL goals.
  - Re-establishment or rehabilitation of aquatic resource types in areas where these habitat type previously existed may not count as conversion (requires Corps approval. Please schedule a pre-application meeting).

Section IV - Impact Area and Conversion Thresholds

- Conversion Threshold
  - Can authorize multiple conversion types for an overall project provided the total extent of all types of conversion does not exceed 10,000 square feet of waters of the U.S., including 500 linear feet of streams, rivers, and other open waters.

Section IV - Impact Area and Conversion Thresholds

- Conversion Thresholds
  - Conversion to Uplands: the loss or conversion of waters of the U.S. to uplands must not exceed 5,000 square feet of waters of the U.S., including jurisdiction nontidal wetlands or 200 linear feet of streams, rivers, and other open waters.
  - Conversion of Wetland Plant Community Types: the conversion of one wetland type to another must not exceed 5,000 square feet.

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Section IV - Impact Area and Conversion Thresholds

- Conversion Thresholds
  - Conversion of Streams or Rivers to Open Waters or Wetlands: conversion of streams or rivers (excluding wetlands) to open water or wetlands must not exceed 10,000 square feet or 500 linear feet.
  - Conversion of Wetlands to Other Aquatic Habitat Type: Conversion of wetlands to another aquatic habitat type must not exceed 5,000 square feet.

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Section IV - Impact Area and Conversion Thresholds

Table 1: Conversion Thresholds under the Bay TMDL RGP[1]

The Bay TMDL RGP may be used to authorize multiple conversion types for an overall project provided ALL the following conversion thresholds are not exceeded.

	Total Conversion Limit for Overall Project	Conversion to Uplands Limit	Limit to Conversion Among Aquatic Habitat Types[2]
Wetlands (square feet)	5,000 sqft	5,000 sqft	5,000 sqft
Streams, rivers, and other open waters (square feet/linear feet)	10, 000 sqft/500 lf	5,000 sqft/200 lf	10,000 sqft/500 lf
All Waters of the U.S. (square feet)	10,000 sqft	5,000 sqft	10,000 sqft

[1] *Impacted aquatic resources that are replaced in-kind and onsite (i.e., relocated) do not count against conversion thresholds provided there is a net increase in aquatic resource functions and services at the project site.*

[2] *Re-establishment or rehabilitation of aquatic habitat types in areas where these habitat types can be determined to have previously existed at the project site do not count against conversion thresholds. Historical evidence and documentation that the proposed habitat type previously existed at the site is required. Historical evidence collected from aerial photographs, prior delineations, historical maps, forensic soil analysis, and local nearby reference sites may provide details of the former extent and conditions of the aquatic habitat that previously existed on the site.*

Section V – Activities Authorized

- Activities authorized by Bay TMDL RGP
  - Where a Corps permit is required, retrofit of existing stormwater management facilities.
  - Where a Corps permit is required, retrofit of existing stormwater management outfalls.
  - Restoration and enhancement of nontidal streams and wetlands.

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Section V – Activities Authorized

- Activities authorized by the Bay TMDL RGP
  - Activity must be part of an acceptable watershed strategy developed to identify activities to meet TMDL nutrient and sediment load reduction targets.
  - Stream and wetland restoration and enhancement activities that both restore and/or enhance aquatic biological resources at the project site and provide TMDL nutrient and sediment load reductions.

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Section V – Activities Authorized

- Activities authorized by the Bay TMDL RGP
  - Relocation and/or conversion of nontidal waters of the U.S., including jurisdictional nontidal wetlands, provided the impacts are consistent with the impact and conversion thresholds.
  - Temporary impacts associated with construction structures, fills, access, and dewatering, provided the impacts are consistent with the RGP conditions.

Section VI – Stream Assessment & Degradation Criteria

- Stream Assessment and Degradation Criteria (Stream Restoration and Enhancement)
  - Current stream conditions must be assessed for each stream reach and it must meet stream degradation criteria for both a biological function-based parameter and a geomorphic/hydraulic function-based parameter.

Section VI – Stream Assessment & Degradation Criteria

- Stream Assessment and Degradation Criteria for **Perennial Stream** Restoration and Enhancement
  - Biological function-based parameter: a Benthic Index of Biotic Integrity (BIBI) score of fair or worse; and
  - Geomorphology/hydraulic function-based parameter documenting existing stream conditions with at least one degradation factor.

Section VI – Stream Assessment & Degradation Criteria

- Stream Assessment and Degradation Criteria for **Perennial Stream** Restoration and Enhancement
  - Geomorphology/hydraulic function-based parameter documenting existing stream conditions with at least one of the following:
    - Lateral (in)stability
    - Floodplain (dis)connection (vertical instability)
    - Other

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Section VI – Stream Assessment & Degradation Criteria

- Stream Assessment and Degradation Criteria for **Intermittent and Ephemeral** Stream Restoration and Enhancement.
  - Biological function-based parameter: a modified EPA RBP score of marginal to poor; and
  - Geomorphology/hydraulic function-based parameter documenting existing stream conditions with at least one degradation factor.

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Section VI – Stream Assessment & Degradation Criteria

- Stream Assessment and Degradation Criteria for **Intermittent and Ephemeral** Stream Restoration and Enhancement.
  - Geomorphology/hydraulic function-based parameter documenting existing stream conditions with at least one of the following:
    - Lateral (in)stability
    - Floodplain (dis)connection (vertical instability)
    - Other

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Section VII – Activities Not Authorized

- Projects with temporary and permanent impacts greater than one acre (43,560 square feet) and/or 2,000 linear feet of streams, rivers, and other open waters.
- Projects that exceed the Bay TMDL RGP conversion thresholds.
- Projects in tidal waters of the U.S., including jurisdictional tidal wetlands.

Section VII – Activities Not Authorized

- Stream or wetland restoration/enhancement solely for TMDL nutrient and sediment target reductions.
- Stream or wetland restoration/enhancement projects that do not restore aquatic biological resource functions at the project site. Projects located in stable streams as documented by the geomorphology/hydraulic assessment measurements.
- Projects located in perennial streams with BIBI scores greater than 50%.
- Projects in intermittent/ephemeral streams that have a modified EPA RBP habitat assessment score of suboptimal or better.

Section VII – Activities Not Authorized

- Stream channelization and piping activities.
- New SWM facilities.
- Activities that convert a stream to a permanent impoundment and block aquatic life movement.
- Activities restoring streams damaged by acid mine drainage.
- Activities to offset, compensate, or otherwise mitigate for an impact to waters of the U.S.
- Activities associated with an ongoing Corps or EPA CWA enforcement action.
- Activities with more than minimal individual and/or cumulative adverse impact on navigation.
- Activities with more than minimal individual and/or cumulative adverse environmental effects.

Section VIII – State And Local Approvals

- The Bay TMDL RGP does not obviate the need to obtain all other Federal, state, or local permits required by law.

Section IX – How to Obtain/Apply for Authorization

- The Bay TMDL RGP has three Application Submittal Thresholds. The thresholds are dependent upon:
  - The type of activity proposed.
  - The total proposed project impacts including conversion impacts.
  - In some case, the location of the activity proposed in relationship to other resources.

Section IX - How to Obtain/Apply for Authorization

- The Bay TMDL RGP Application Submittal Thresholds:
  - Self-Verification (Appendix 2: Self Verification Form)
    - Category I Self Verification Only
    - Category II Self Verification with 90-day As-built Report & Function-Based Assessment
  - Pre-Construction Notification (Appendix 3: PCN Form)
    - Category III Preconstruction Notification & Application
    - 5-year Project Monitoring & Function-Based Assessment

APPENDIX 2: SELF-VERIFICATION NOTIFICATION FORM FOR CATEGORY I AND II ACTIVITIES AUTHORIZED BY THE CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD REGIONAL GENERAL PERMIT (Bay TMDL RGP)

The Bay TMDL RGP is applicable in nontidal waters and nontidal wetlands in the Chesapeake Bay watershed within the State of Maryland, District of Columbia, and military installations in northern Virginia within the regulatory jurisdiction of the Baltimore District (i.e., Fort Belvoir, Fort Myer, and the Pentagon). A single and complete project under the terms of the Bay TMDL RGP, including all attendant features, both temporary and permanent, cannot result in more than one acre of impact, both direct and indirect, to waters of the U.S. including wetlands. Of this, no more than 2,000 linear feet of streams, rivers, and other open water, or a combination thereof may be impacted. In addition, the overall project may not exceed the conversion thresholds set forth in the Bay TMDL RGP (See Section IV of the Bay TMDL RGP).

Activities authorized by the Bay TMDL RGP that are self-verifying (i.e., Category I and Category II) may commence without written notification from the Corps after the permittee has:

- Confirmed that the activity will be conducted in compliance with the terms and conditions of the Bay TMDL RGP, which may include consultation with the Corps and/or outside relevant Federal and State agencies. Prospective permittees must refer to the terms and conditions of the Bay TMDL RGP to determine if the activity may be eligible for authorization under this Bay TMDL RGP. In addition, the applicant must make a determination whether the proposed activity is eligible for self-verification or whether a pre-construction notification (PCN) (see Appendix 3) is required. All terms and conditions of the Bay TMDL RGP still apply to self-verification activities authorized by this Bay TMDL RGP, and
- Submitted this Self-Verification Form and a permit application using the established Corps of Engineers permit application procedures. Please note: This form may be edited or updated during implementation of the Bay TMDL RGP to provide additional clarification or guidance. Before completing this form, please ensure that you are using the most current version posted on the Corps of Engineers, Baltimore District's website (see http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcesses.aspx,
- Obtained all required State and local authorizations.

1. Applicant:_____
   Project Coordinates should be entered in decimal degrees to at least three decimal points
   Project Latitude: Project Longitude:_____

2. If you answer **No** any of the questions below your project does not qualify for the Bay TMDL RGP. Skip this form and you must submit an application for processing under another permit type in accordance with the established Corps of Engineers permit application procedures for Maryland, Virginia, and the District of Columbia.:
   a. Are the activities in waters of the U.S. part of an acceptable watershed strategy, such as a Chesapeake Bay Watershed Implementation Plan (WIP), whose purpose is to identify implementation activities needed to meet nutrient and sediment load reduction targets under the Chesapeake Bay TMDL? Y N
   Provide a statement identifying the watershed strategy, attach additional sheets if necessary:

   ☐ ☐

   _____

   _____

   ☐
   ☐

   b. For stream and wetland restoration and enhancement projects, was a function-based assessment used to assess current site and watershed conditions and to select and
   c. If you are proposing a stream and wetland restoration and enhancement project, does the project result in restoration of functions that support and/or enhance aquatic biological resources AND sediment and nutrient reduction at the project site? Y☐N☐
   d. Does the project protect riparian and wetland vegetation from unnecessary clearing and disturbance to the maximum extent practicable? Y☐ N☐

3. If you answer **Yes** to any question below your project does not qualify for the Bay TMDL RGP and you must submit an application for review and processing under another permit type:
   a. Will the project result in any stream channelization or stream piping? Y☐N☐
   b. Does your project impact tidal waters or wetlands? Y☐ N☐
   c. Does the activity result in total temporary and permanent impacts greater than 1 acre of waters of the U.S.? Y☐N☐
   d. Does the activity result in total temporary and permanent impacts greater than 2,000 linear feet of stream, rivers, and other open waters? Y☐N☐
   e. Does the activity involve the construction of a new stormwater management facility or an earthen or stone cofferdam or causeway in aquatic resources, including streams or wetlands? Y☐N☐
   f. Does the activity convert a stream to a permanent impoundment and block aquatic life movements? Y☐N☐
   g. Is the project designed primarily to protect public infrastructure using bank armoring or riprap or to primarily improve aquatic habitat functions and services? Y☐N☐
   h. Is the activity proposed for the purpose of restoring streams damaged by acid mine drainage or to compensate or mitigate for an impact to waters of the U.S.? Y☐N☐
   i. Are any existing or proposed activities associated with an ongoing Corps or EPA enforcement action? Y☐N☐

4. Self-Verification is only valid for the following Bay TMDL activities. If your project is not identified in one of the following activities, then your project is not eligible for self-verification under the Bay TMDL RGP. You must submit a Pre-Construction Notification Form and an application in lieu of this self-verification form as well as all required application documentation. Check all activities below that apply to your project:
   ☐ Retrofit of an existing stormwater management facility
   ☐ Retrofit of an existing concrete-lined stormwater management outfall
   ☐ Restoration & enhancement of an existing concrete-lined stream channel
   ☐ Restoration & enhancement of an existing piped stream channel
   ☐ Projects with total temporary and permanent impacts not exceeding 10,000 square feet of nontidal waters of the U.S., including no more than 500 linear feet of streams, rivers, and other open waters and no more than 5,000 square feet of nontidal wetlands

5. If you answer **Yes** to any of the questions below your proposed project does not qualify for Self-Verification under the Bay TMDL RGP. A Pre-Construction Notification and an application is required to be submitted in accordance with the permit application submittal procedures (http://www.nab.usace.army.mil/Missions/Regulatory/PermitTypesandProcess.aspx):
   a. Does the Bay TMDL activity cause total temporary and permanent impact to more than 500 linear feet of streams, rivers, or other open waters? Y☐N☐
   b. Does the Bay TMDL activity cause the total temporary and permanent impacts to more than 10,000 square feet of nontidal waters of the U.S.? Y☐N☐
   c. Does the activity cause the total temporary and permanent impacts greater than 5,000 square feet of nontidal wetlands? Y☐ N☐
   d. Does the U.S. Fish and Wildlife Service documentation indicate that Federally listed Threatened or Endangered species may be affected by the proposed activity? Y☐ N☐

Self Verification Form Detail

c. If you are proposing a stream and wetland restoration and enhancement project, does the project result in restoration of functions that support and/or enhance aquatic biological resources AND sediment and nutrient reduction at the project site? Y☐N☐
d. Does the project protect riparian and wetland vegetation from unnecessary clearing and disturbance to the maximum extent practicable? Y☐ N☐

3. If you answer **Yes** to any question below your project does not qualify for the Bay TMDL RGP and you must submit an application for review and processing under another permit type:
   a. Will the project result in any stream channelization or stream piping? Y☐N☐
   b. Does your project impact tidal waters or wetlands? Y☐ N☐
   c. Does the activity result in total temporary and permanent impacts greater than 1 acre of waters of the U.S.? Y☐N☐
   d. Does the activity result in total temporary and permanent impacts greater than 2,000 linear feet of stream, rivers, and other open waters? Y☐N☐
   e. Does the activity involve the construction of a new stormwater management facility or an earthen or stone cofferdam or causeway in aquatic resources, including streams or wetlands? Y☐N☐
   f. Does the activity convert a stream to a permanent impoundment and block aquatic life movements? Y☐N☐
   g. Is the project designed primarily to protect public infrastructure using bank armoring or riprap or to primarily improve aquatic habitat functions and services? Y☐N☐
   h. Is the activity proposed for the purpose of restoring streams damaged by acid mine drainage or to compensate or mitigate for an impact to waters of the U.S.? Y☐N☐
   i. Are any existing or proposed activities associated with an ongoing Corps or EPA enforcement action? Y☐N☐

4. Self-Verification is only valid for the following Bay TMDL activities. If your project is not identified in one of the following activities, then your project is not eligible for self-verification under the Bay TMDL RGP. You must submit a Pre-Construction Notification Form and an application in lieu of this self-verification form as well as all required application documentation. Check all activities below that apply to your project:

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Application Submittal Thresholds-Category I

Activity	Self-Verification Only	Self-Verification with 90-day As-Built Report & Function-Based Assessment Required[1]	Pre-Construction Notification (PCN) & Permit Application Required	5-Year Project Monitoring & Function-Based Assessment Required[2]
All retrofit activities on existing stormwater management facilities	X			
All retrofit activities on existing concrete-lined stormwater management outfalls	X			
All activities to restore or enhance existing piped or concrete-lined stream channels	X			
All other projects with total temporary and permanent impacts not to exceed 200 linear feet or 5,000 square feet of nontidal waters of the U.S., which do not occur in wetlands	X			

Activity	Self-Verification Only	Self-Verification with 90-day As-Built Report & Function-Based Assessment Required[1]	Pre-Construction Notification (PCN) & Permit Application Required	5-Year Project Monitoring & Function-Based Assessment Required[2]
Projects with total temporary and permanent impacts greater than 5,000 square feet but not exceeding 10,000 square feet of waters of the U.S.		X		
Projects with total temporary and permanent impacts greater than 200 linear feet but not exceeding 500 linear feet of streams, rivers, and other open waters		X		
Projects with total temporary and permanent impacts not more than 5,000 square feet of nontidal wetlands		X		

[1]As-Built Report and Function-Based Assessment must be provided to the Baltimore District Regulatory Branch within 90-days of project completion. The As-Built Report and Function-Based Assessment shall include: (1) Name and 8-digit U.S. Geological Survey Hydrologic Code of the stream; (2) Location of the completed work (latitude and longitude); (3) Dates during which the work occurred; (4) The function-based assessment information outlined in Section XI.A.2 below (restoration and enhancement activities); (5) As-built plans; (6) A set of geo-referenced photographs that show the pre-construction and post-construction conditions for the project; (7) Documentation demonstrating compliance with the National Historic Preservation Act and Endangered Species Act; and (8) Application tracking number and State permit

Application Submittal Thresholds-Category III

Activity	Self-Verification Only	Self-Verification with 90-day As-Built Report & Function-Based Assessment Required[1]	Pre-Construction Notification (PCN) & Permit Application Required	5-Year Project Monitoring & Function-Based Assessment Required[2]
Projects with total temporary and permanent impacts greater than 10,000 square feet but not exceeding 43,560 square feet (1.0 acre) of waters of the U.S.			X	X
Projects with total temporary and permanent impacts greater than 500 linear feet but not exceeding 2,000 linear feet of stream, rivers, and other open waters			X	X
Projects with total temporary and permanent impacts greater than 5,000 square feet but not exceeding 43,560 square feet (1.0 acre) of nontidal wetlands			X	X

[2]Project monitoring for a minimum of five years (five full growing seasons) after construction is required to ensure the integrity of the work and successful growth of planted vegetation. In addition, the applicant must demonstrate functional lift is occurring compared with baseline values for restoration and enhancement activities. The monitoring reports shall be submitted to the Baltimore District Regulatory Branch by December 31 of each monitoring year. A monitoring year must include monitoring documentation for a minimum of one full growing season. The monitoring protocols shall include, at a minimum, (1) Baseline conditions; (2) As-built plans; (3) Routine inspections; (4) Quantifiable measurements of appropriate, project-specific parameters based on project goals and design objectives to assess the aquatic resource functional lift as compared to the baseline values (restoration and enhancement activities); (5) Stream and project stability monitoring; (6) Invasive plant species cover; and (7) Photo documentation. Monitoring of stream restoration or enhancement projects must include a comparison of pre- and post-restoration and enhancement conditions to assess the project's success in meeting the goals and objectives to restore functions that support and/or enhance aquatic biological resources and sediment and nutrient reduction at the project site in accordance with the Chesapeake Bay TMDL goals. Function-based parameters, such as BIBI, modified EPA RBP habitat assessment, lateral stability, floodplain connectivity, and riparian vegetation, that were used to quantify and describe the pre-restoration condition of the stream and used to identify the restoration potential shall be measured and assessed to quantify the aquatic resource functional lift. In the event there are unforeseen changes in site conditions or other factors that affect the integrity of the project and/or project performance, the permittee shall develop necessary contingency/adaptive management plans and coordinate these with the Corps and any other appropriate regulatory agencies (e.g., Maryland Department of the Environment, District Department of the Environment, etc.) for written approval prior to implementation. Approved maintenance and remedial measures necessary for any project authorized under this RGP must be conducted in accordance with the terms and conditions of the authorization. Maintenance that requires deviations from the original design may require a separate authorization. The permittee shall provide revised as-built drawings to the

Application Submittal Thresholds-Category III (Continued)

Activity	Self-Verification Only	Self-Verification with 90-day As-Built Report & Function-Based Assessment Required[1]	Pre-Construction Notification (PCN) & Permit Application Required	5-Year Project Monitoring & Function-Based Assessment Required[2]
Projects that will occur in or adjacent to a proposed or existing Federally authorized civil works project			X	Dependent Upon Project Thresholds
Projects that will occur along or within 150 feet of the horizontal limits of a Federal navigation project			X	Dependent Upon Project Thresholds
Projects that have the potential to cause effects to any historic properties listed, determined to be eligible for listing, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties			X	Dependent Upon Project Thresholds
Projects that may have effects on any Federally listed threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely			X	Dependent Upon Project Thresholds

Section XI – Permit Application

- Permit Application - Project Elements
  - Project Description
    - Goal and Objectives
    - Activity Type
    - Narrative
    - Drawings
  - Impact Totals
    - Temporary-Permanent
    - Direct-Indirect
    - Resource Type
    - Conversion-Relocation

Section XI – Permit Application

- Permit Application - Compliance Elements
  - Watershed Strategy
  - Function-Based Assessment
  - Temporary Impact Restoration Plan
  - Historical and Cultural Resources Coordination
  - Endangered Species Correspondence

Section XII – Agency Coordination

- Agency Coordination
  - Corps written verification and a 15-day agency coordination is required for projects with:
    - Greater than ½ acres of impacts to nontidal waters of the U.S., including jurisdictional nontidal wetlands.
    - Greater than 1,000 linear feet of impact to nontidal streams.
    - Greater than 10,000 square feet of impact to nontidal wetlands.

Section XII – Agency Coordination

- Agency Coordination
  - Corps written verification and a 15-day agency coordination is required for projects with:
    - Potential to cause effects to any historic property listed, determined to be eligible for listing, or potentially eligible for listing on the National Register of Historic Places.
    - Potential to effect any Federally listed threatened or endangered species or a species proposed for such a designation.

Section XIII – General Conditions

Condition No.	General Condition	Condition No.	General Condition
1	Project Purpose	11	Water Quality
2	Vegetation Protection and Restoration	12	Coastal Zone Management Consistency (CZM)
3	Tidal Waters	13	Minimal Effects
4	Self-Sustaining Design	14	Discretionary Authority
5	As-Built & Post-Construction Reporting	15	Single and Complete Project
6	5-Year Project Monitoring	16	Multiple General Permit Authorizations
7	Geographic Applicability	17	Contractor Compliance
8	Compliance Certification	18	Historic Properties
9	Applicability	19	Tribal Rights
10	Other Permits	20	Discovery of Previously Unknown Artifacts

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Section XIII - General Conditions

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21	National Lands	31	Environmental Justice
22	Endangered Species	32	Federal Liability
23	Migratory Birds and Bald and Golden Eagles	33	Wave Wash
24	Essential Fish Habitat (EFH) and Fish and Wildlife Coordination Act	34	Avoidance and Minimization
25	Coldwater Streams	35	Mitigation
26	Wild and Scenic Rivers	36	Heavy Equipment in Wetlands
27	Federal Projects	37	Soil Erosion and Sediment Control
28	Navigation	38	Removal of Temporary Fills
29	Fills Within Floodplains	39	Aquatic Life Movements
30	Safety of Impoundment Structures	40	Water Crossings

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Section XIII - General Conditions

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42	Management of Water Flows	51	Modification, Suspension, and Revocation
43	Spawning Areas	52	Special Conditions
44	Migratory Bird Breeding Areas	53	False or Incomplete Information
45	Water Supply Intakes	54	Transfer of Authorization
46	Adverse Effects from Impoundments	55	Changes to State Statutes, Regulations, or General Permits
47	Hazardous Wildlife Attractants On or Near Airports	56	Duration of Authorization and Expiration Date
48	Inspections	57	Grandfather Provision for Expiring Bay TMDL RGP
49	Maintenance of Project		

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Section XIV & Appendices

- Definitions
- Appendix 1 – Modified EPA RBP Habitat Assessment Field Data Forms
- Appendix 2 – Self-Verification Notification Form
- Appendix 3 – Bay TMDL RGP PCN Form
- Appendix 4 – Certificate of Compliance
- Appendix 5 – WQC & CZM Determinations

Bay TMDL RGP POCs & Website

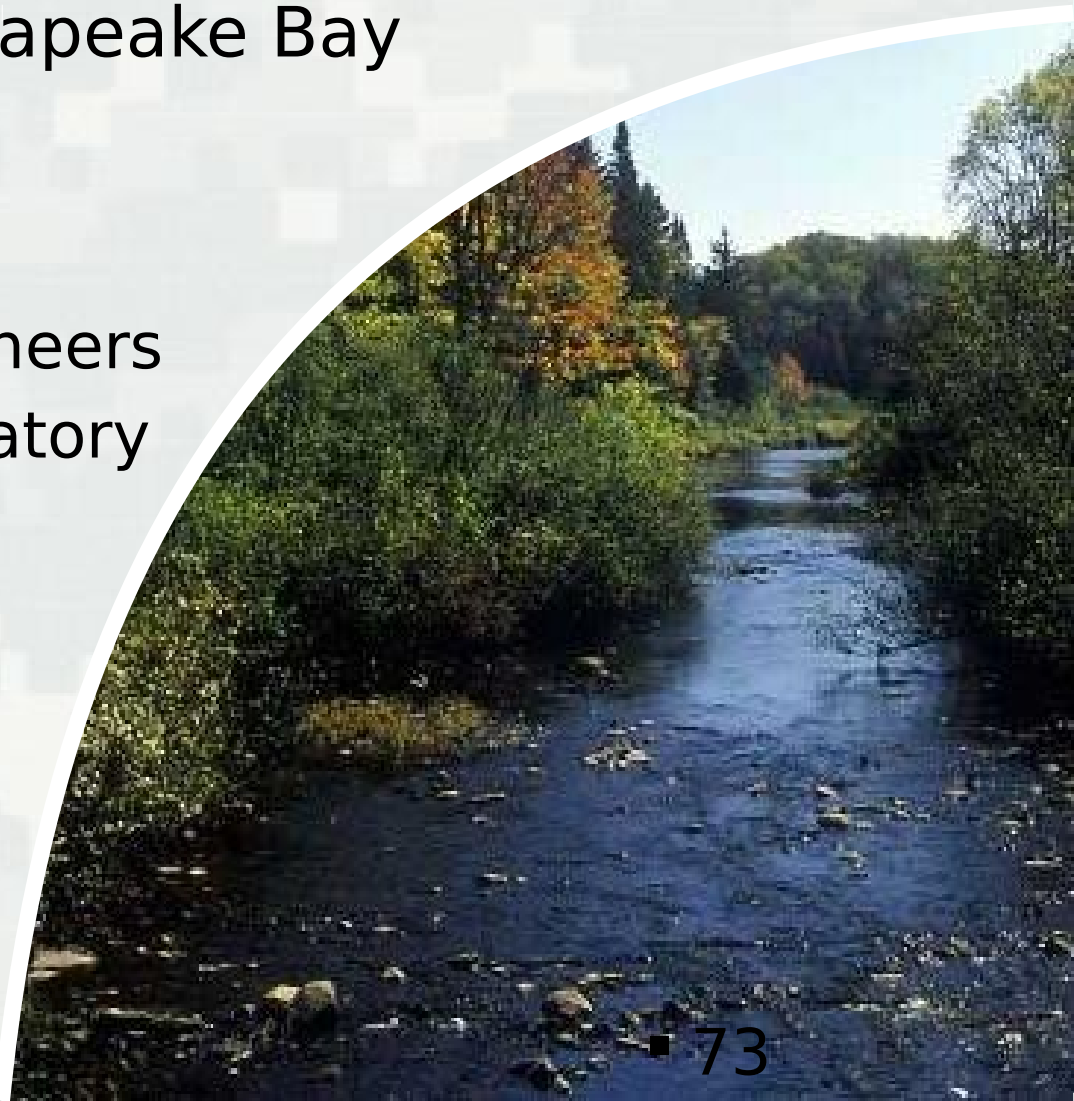
- http://www.nab.usace.army.mil/Missions/Regulatory/BayTMDL.aspx
- Beth Bachur
  - beth.bachur@usace.army.mil
- Jack Dinne (Maryland, MD SHA)
  - john.j.dinne@usace.army.mil
- Tarrie Ostrofsky (Pennsylvania)
  - tarrie.l.ostrofsky@usace.army.mil
- Nick Ozburn (Maryland)
  - nicholas.r.ozburn@usace.army.mil
- Erica Schmidt (Maryland, DC, northern VA)
  - erica.schmidt@usace.army.mil

Questions?

Chesapeake Bay Total Maximum Daily Load Regional General Permit (Bay TMDL RGP)

How to Obtain CWA Section 404 Authorization for Chesapeake Bay TMDL Projects

Nick Ozburn
U.S. Army Corps of Engineers
Baltimore District-Regulatory Branch



Outline

1) Determine if your project meets the overall limitations of the Chesapeake Bay TMDL RGP
   - Quantifying project impacts and determining conversion

2) Determine your project category
   - Process and required documentation by project category

3) How to Obtain Authorization
   - Maryland, Washington D.C, and Virginia (Ft. Myer, Ft. Belvoir, and the Pentagon)

1) Determine if your project meets the overall

limitations of the Chesapeake Bay TMDL RGP

*Review Bay TMDL RGP Section V and Section VII which lists activities authorized and not authorized by the permit

In General

1. Projects must be located in the Chesapeake Bay watershed and the project purpose must be to fulfill goals of an acceptable Watershed Implementation plan (WIP)
2. Total impacts to waters (temporary and permanent) must not exceed 1.0 acre. Of this no more than 2,000 linear feet of streams, rivers, open waters, or a combination thereof may be impacted
3. For proposed stream restoration/enhancement projects, degradation criteria for the existing streams must be met as described in section VI of the RGP
4. Projects which block aquatic life movement are not authorized
5. Projects in tidal waters are not authorized
6. Projects must not exceed conversion limitations shown in Table 1 of the RGP.

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4. Projects which block aquatic life movement are not authorized
5. Projects in tidal waters are not authorized
6. **Projects must not exceed conversion limitations shown in Table 1 of the RGP.**

Review Conversion Thresholds

Table 1: Conversion Thresholds under the Bay TMDL RGP[1]

The Bay TMDL RGP may be used to authorize multiple conversion types for an overall project provided ALL the following conversion thresholds are not exceeded.

	Total Conversion Limit for Overall Project	**Conversion to Uplands Limit**	**Limit to Conversion Among Aquatic Habitat Types[2]**
Wetlands (square feet)	5,000 sq ft	5,000 sq ft	5,000 sq ft
Streams, rivers, and other open waters (square feet/linear feet)	10, 000 sq ft/500 lf	5,000 sq ft/200 lf	10,000 sq ft/500 lf
All Waters of the U.S. (square feet)	10,000 sq ft	5,000 sq ft	10,000 sq ft

[1] *Impacted aquatic resources that are replaced in-kind and onsite (i.e., relocated) do not count against conversion thresholds provided there is a net increase in aquatic resource functions and services at the project site.*

Conversion Defined

"For the purposes of this Bay TMDL RGP, conversion is defined as a change from one aquatic habitat type to another aquatic or upland habitat type."

-Relocated resources (in-kind/on site) do not count against conversion thresholds.

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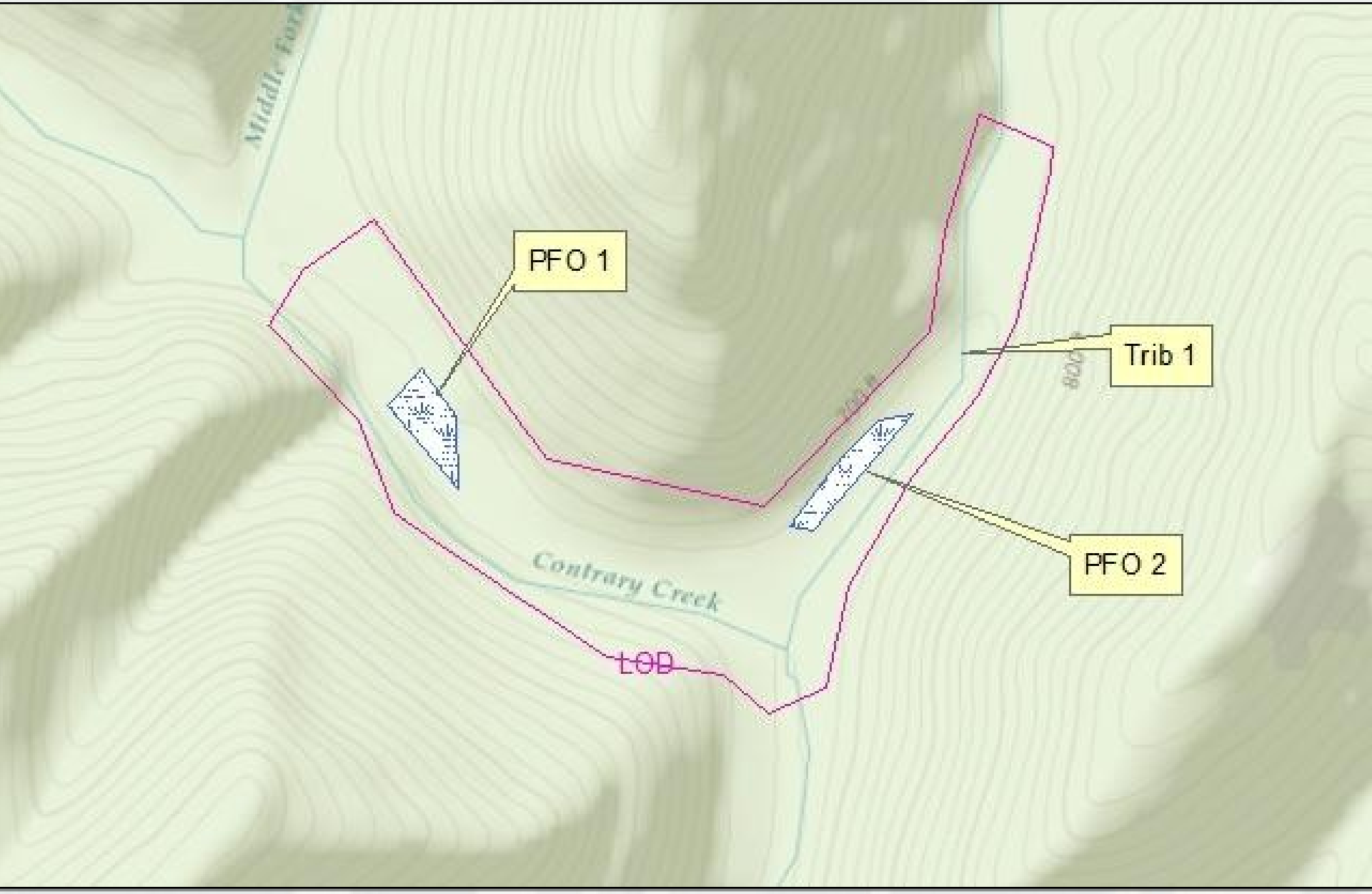
Conversion Test

Set of tables which identifies

1) Existing waters and degradation criteria
2) Existing waters vs. proposed waters
3) Impacts
4) Quantify Conversion to Aquatic Habitats
5) Conversion quantities

Contrary Creek Example



Existing Waters and Degradation Criteria

Aquatic Resource Name	LAT	LONG	Aquatic Resource Type	Degradation Criteria 1: BIBI*	Degradation Criteria 2: Modified RBP Score**	Degradation Criteria 3: (Typical BEHI/NBS)
Contrary Creek	37.5821	-83.7583	Perennial	35%	NA	Very High/High
Trib 1	37.5831	-83.7542	Intermittent	NA	67 (Poor)	High/Moderate
PFO 1	37.5830	-83.7584	PFO	NA	NA	NA
PFO 2	37.5823	-83.7548	PFO	NA	NA	NA

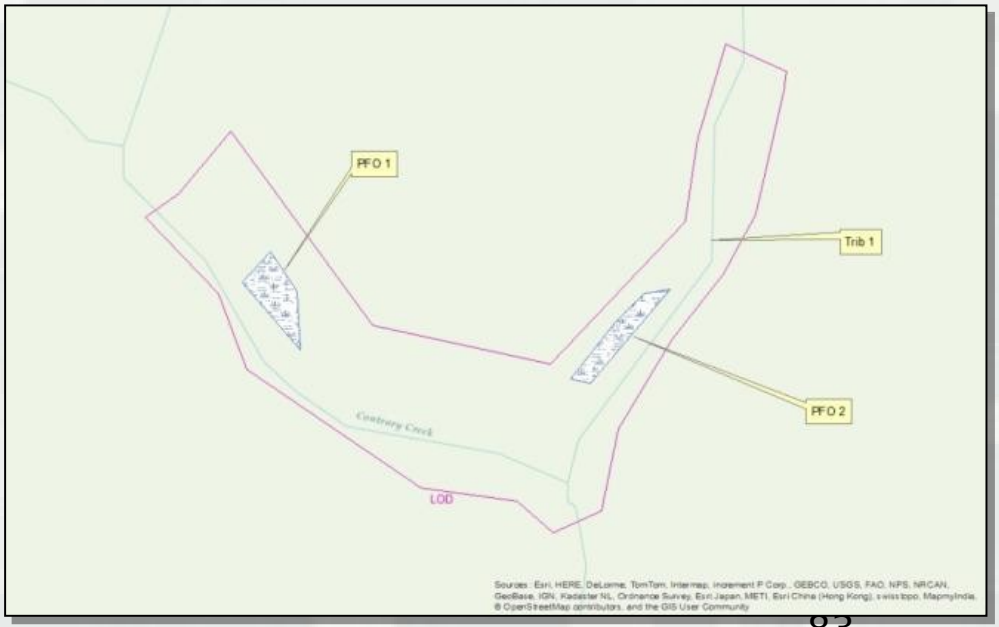


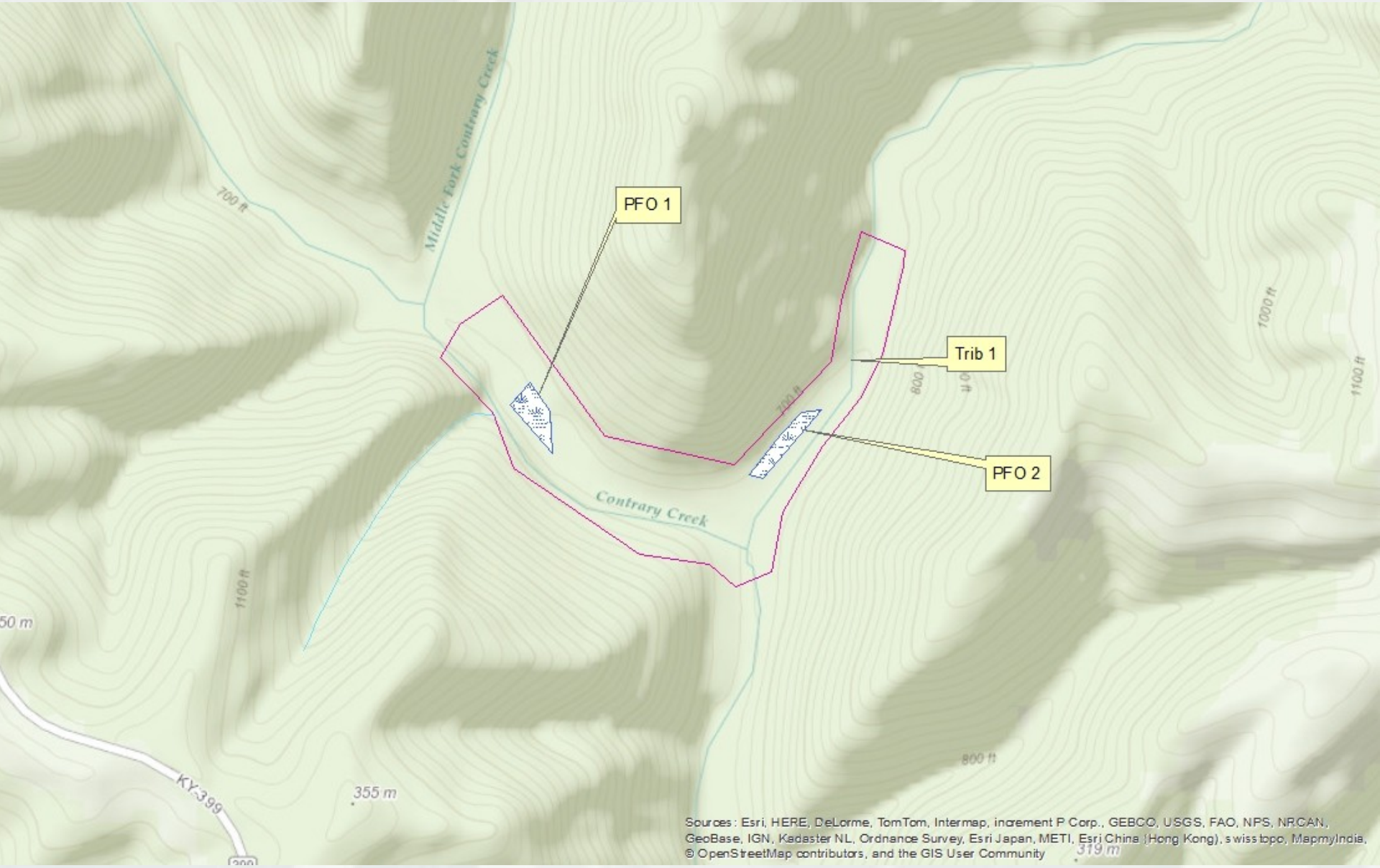
Table showing location and quality of existing waters.

**BIBI=Benthic Index of Biotic Integrity (macroinvertebrates) to be used for perennial streams only.*

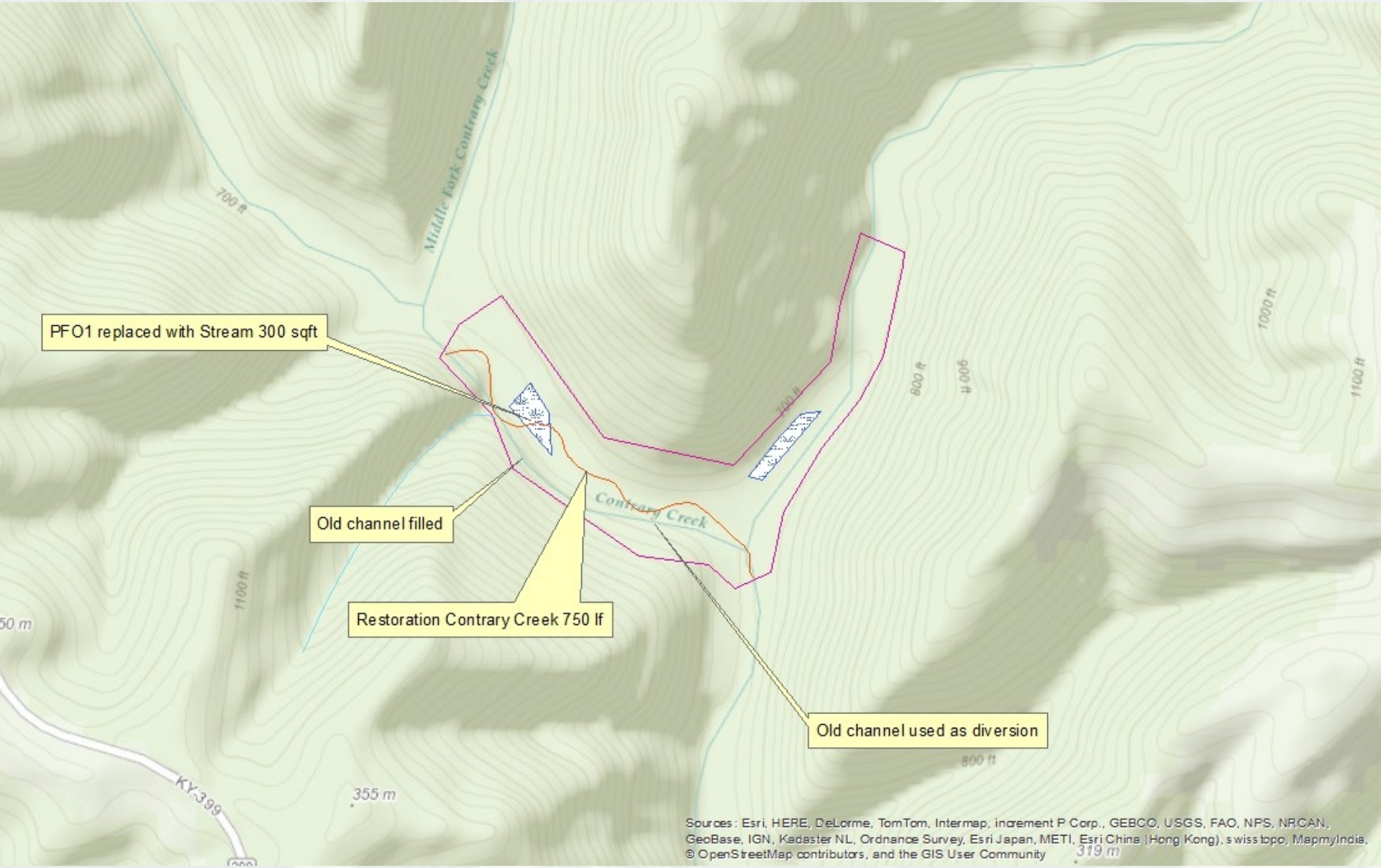
***Modified RBP= Modified Rapid Bioassessment Protocol Score sheets can be found in Appendix 1 of the Bay TMDL RGP. The Modified RBP scores serve as degradation criteria for intermittent and perennial streams only*

Impacts and Proposed Waters

- Existing Waters


PFO 1
Trib 1
PFO 2
Middle Fork Contrary Creek
Contrary Creek
700 ft
1100 ft
1000 ft
800 ft
KY-399
355 m
319 m
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

- Impacts and proposed waters


PFO1 replaced with Stream 300 sqft
Old channel filled
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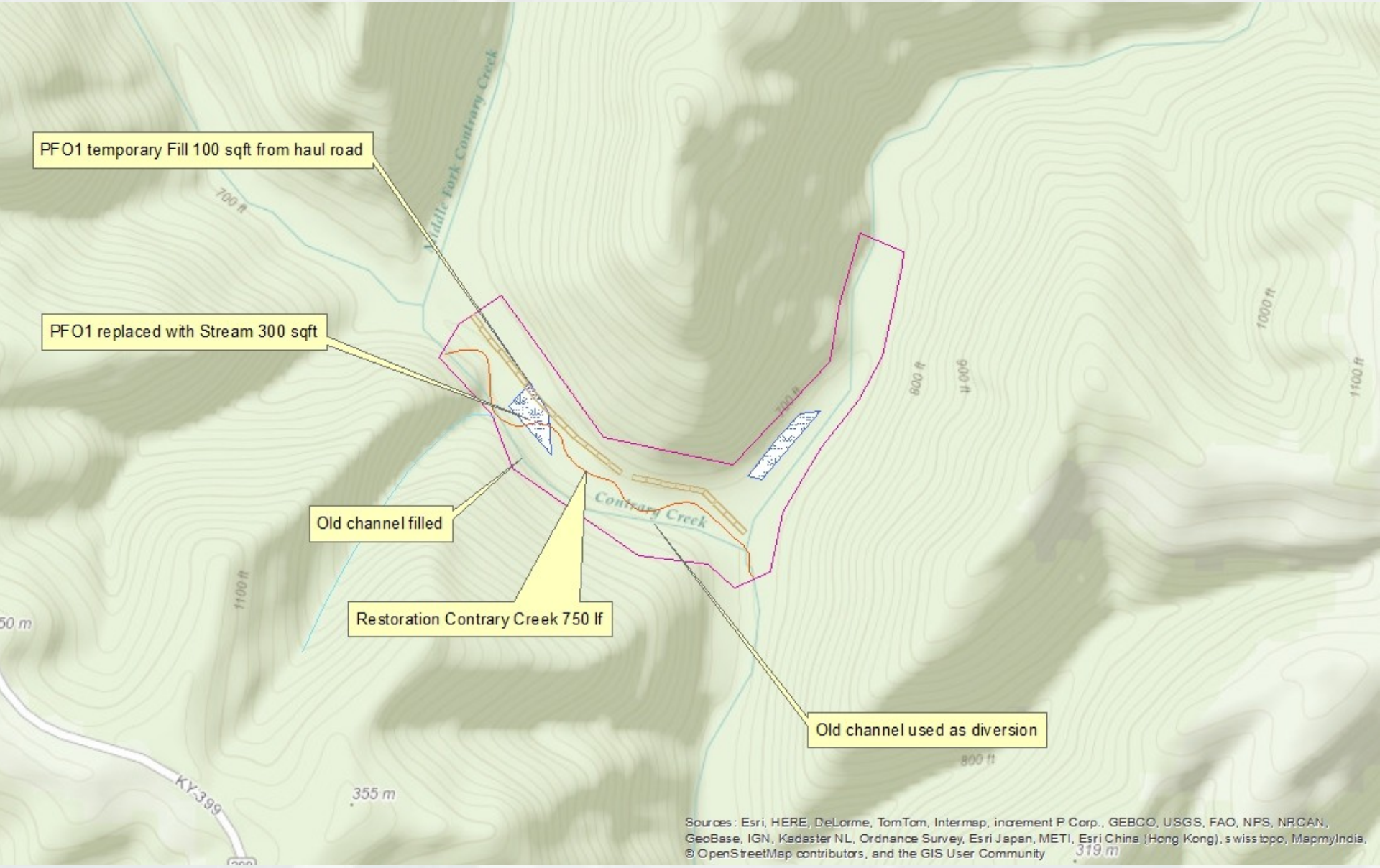
- Impacts and proposed waters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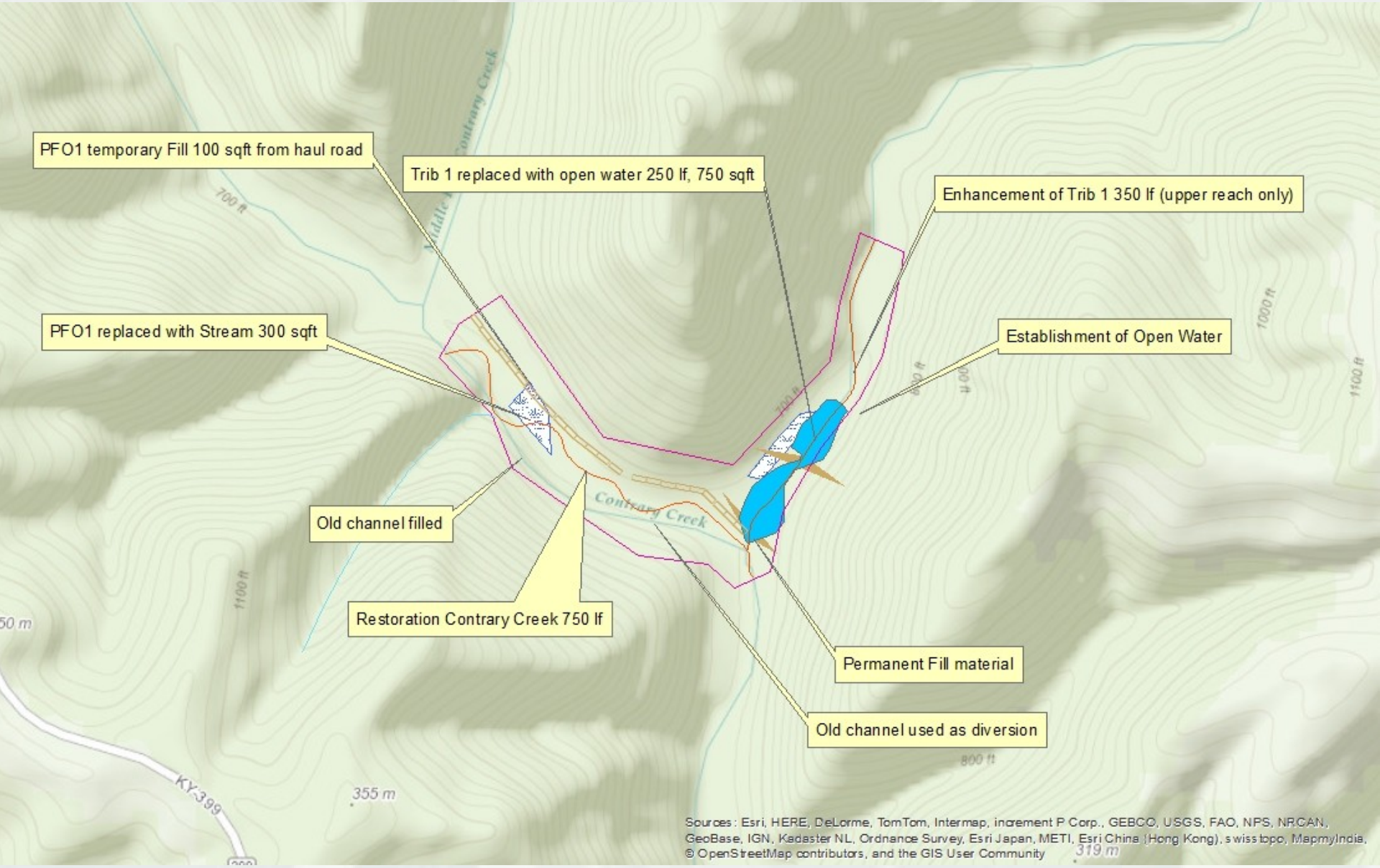
- Impacts and proposed waters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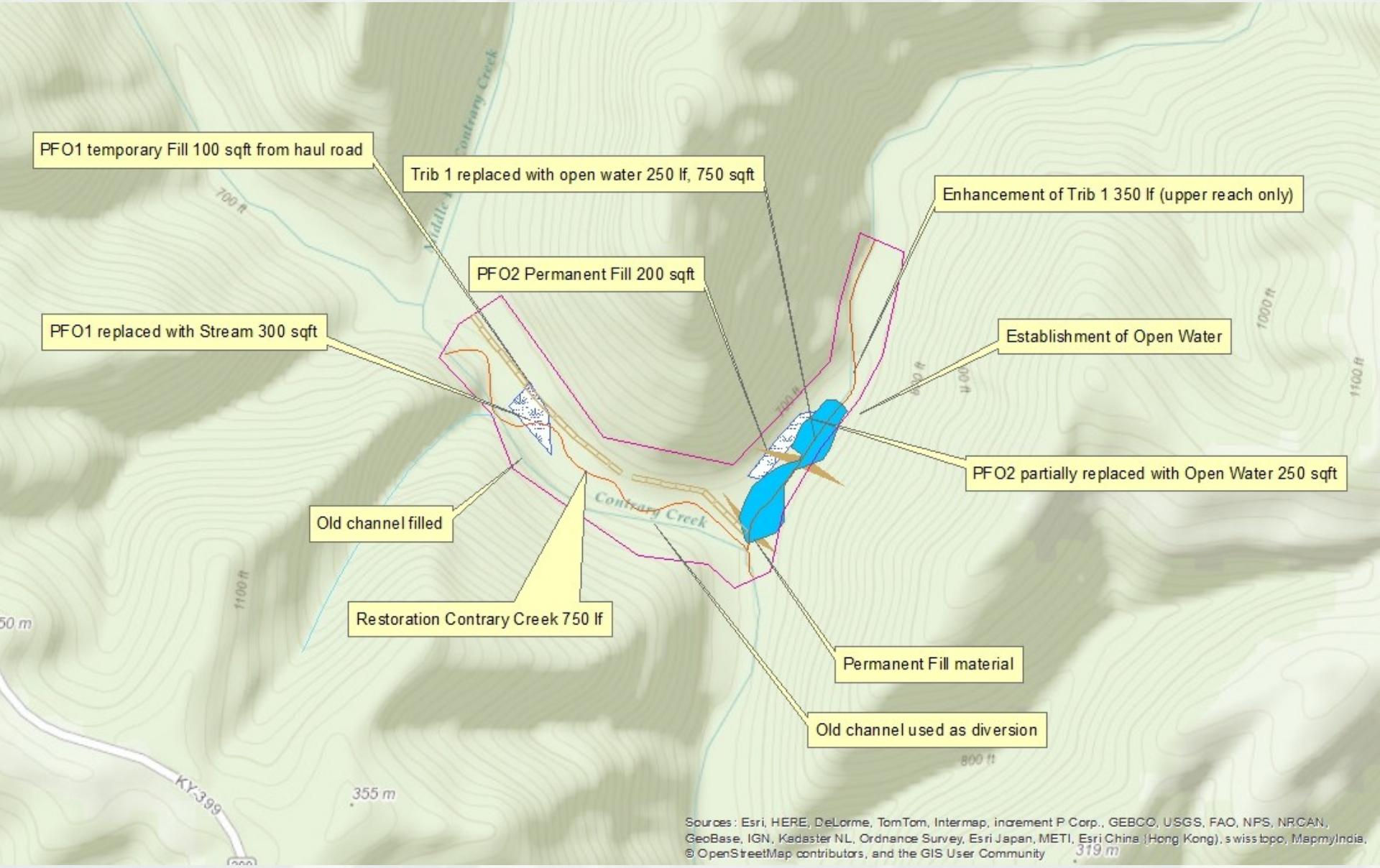
Impacts and proposed waters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PFO1 replaced with Stream 300 sqft
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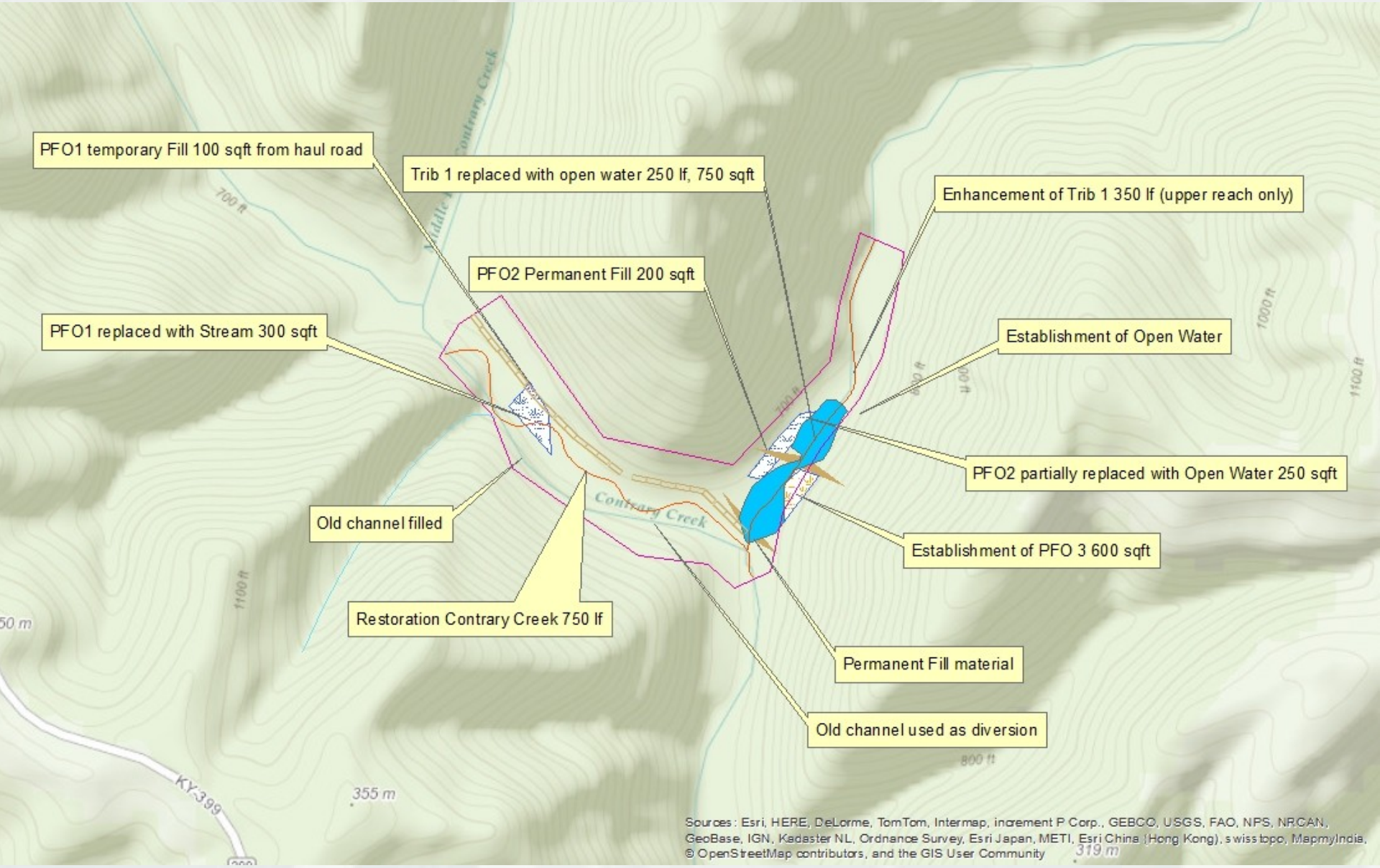
- Impacts and proposed waters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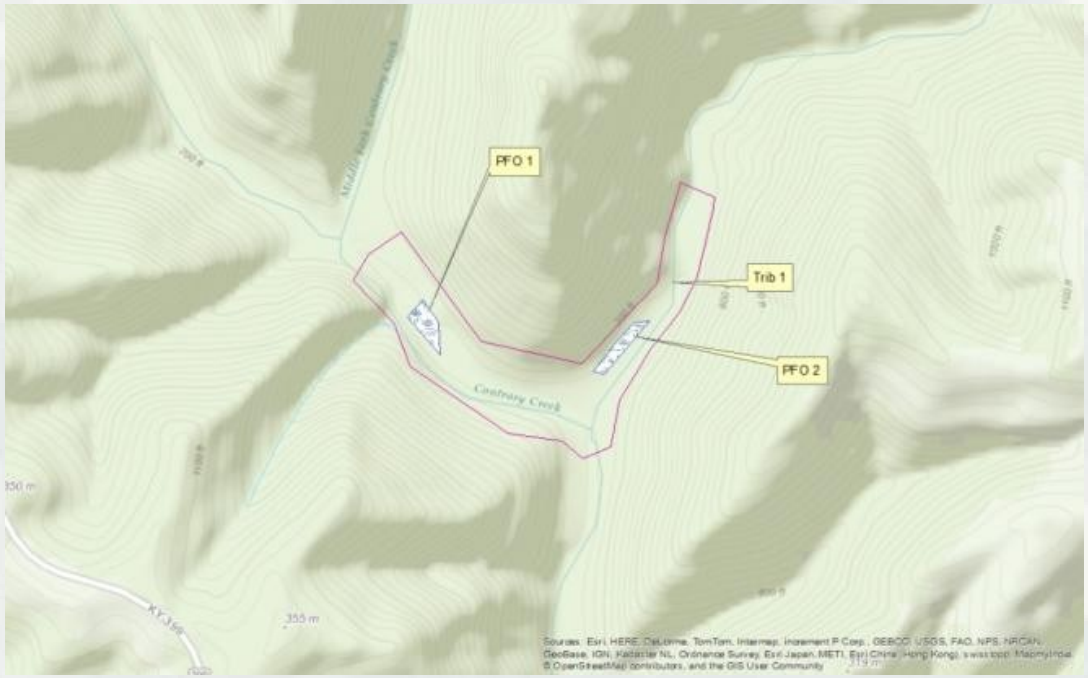
Existing Waters



Proposed Waters

Existing Waters vs. Proposed Waters

AQUATIC RESOURCES			EXISTING			PROPOSED		CHANGE
Aquatic Resource Name	**LAT**	**LONG**	**Aquatic Resource Type**	**Existing Length (feet)**	**Existing Area (sqft)**	**Proposed Length (feet)**	**Proposed Area (sqft)**	
Contrary Creek	37.5821	-83.7583	Perennial	750	20,000	0	0	**-750 lf**
Trib 1	37.5831	-83.7542	Intermittent	600	1,800	350	1,050	**-250 lf int**
PFO 1	37.5830	-83.7584	PFO	NA	2,500	NA	2,200	**-300 sf PFO**
PFO 2	37.5823	-83.7548	PFO	NA	2,500	NA	2,050	**-450 sf PFO**
Contrary Creek (Restored)	37.5817	-83.7577	Perennial	0	0	750	20,000	**+750 lf**
PFO 3	37.2122	-83.3545	PFO	NA	0	NA	600	**+600 sf PFO**
POW 1	37.5830	-83.7554	POW	NA	0	NA	30,000	**+30,000 sf POW**

Table showing existing vs proposed aquatic resources on project site. Resources yet to be created are shown in green. (PFO=Palustrine Forested Wetland, PEM=Palustrine Emergent Wetland, POW=Palustrine Open Water, Per=Perennial Stream, Int=Intermittent Stream, Eph=Ephemeral Stream). For resources which are proposed to change aquatic resource type as a result of the project, add those areas as new resources (green), removing the area from the proposed column under the resource's original name.

Impact Table

Aquatic Resource Name	Existing Resource Class	Existing Resource Quality[1]	Activity[2]	Impact Duration	Impact Area (square ft)	Impact Length (linear ft)	Proposed resource class post-construction[5]
Contrary Creek	Per	BIBI 35%	Old channel Fill	P	20,000	750	UPL
Trib 1	Int	RBP 70	Ponding	P	2,000	250	POW
Trib 1	Int	RBP 64	ERE	P	750	200	Int
PFO1	PFO	NA	Haul road fill	T	100	NA	PFO
PFO1	PFO	NA	Replaced by new stream	P	300	NA	Per
PFO2	PFO	NA	Replaced by POW	P	250	NA	POW
PFO 2	PFO	NA	Berm fill	P	200	NA	UPL
Total Temporary and Permanent Impacts					**23,600**	**1,200**	

- Does Contrary Creek Meet the Terms of the RGP?

In General

1. **Projects must be located in the Chesapeake Bay watershed and the project purpose must be to fulfill goals of an acceptable Watershed Implementation plan (WIP)**
2. **Total impacts to waters (temporary and permanent) must not exceed 1.0 acre. Of this no more than 2,000 linear feet of streams, rivers, open waters, or a combination thereof may be impacted**
3. **For proposed stream restoration/enhancement projects, degradation criteria for the existing streams must be met as described in section VI of the RGP**
4. Projects which block aquatic life movement are not authorized
5. Projects in tidal waters are not authorized
6. Projects must not exceed conversion limitations shown in Table 1 of the RGP.

Existing Waters Meet Degradation Criteria

Aquatic Resource Name	LAT	LONG	Aquatic Resource Type	Degradation Criteria 1: BIBI*	Degradation Criteria 2: Modified RBP Score**	Degradation Criteria 3: (Typical BEHI/NBS)
Contrary Creek	37.5821	-83.7583	Perennial	35%	NA	Very High/High
Trib 1	37.5831	-83.7542	Intermittent	NA	67 (Poor)	High/Moderate
PFO 1	37.5830	-83.7584	PFO	NA	NA	NA
PFO 2	37.5823	-83.7548	PFO	NA	NA	NA

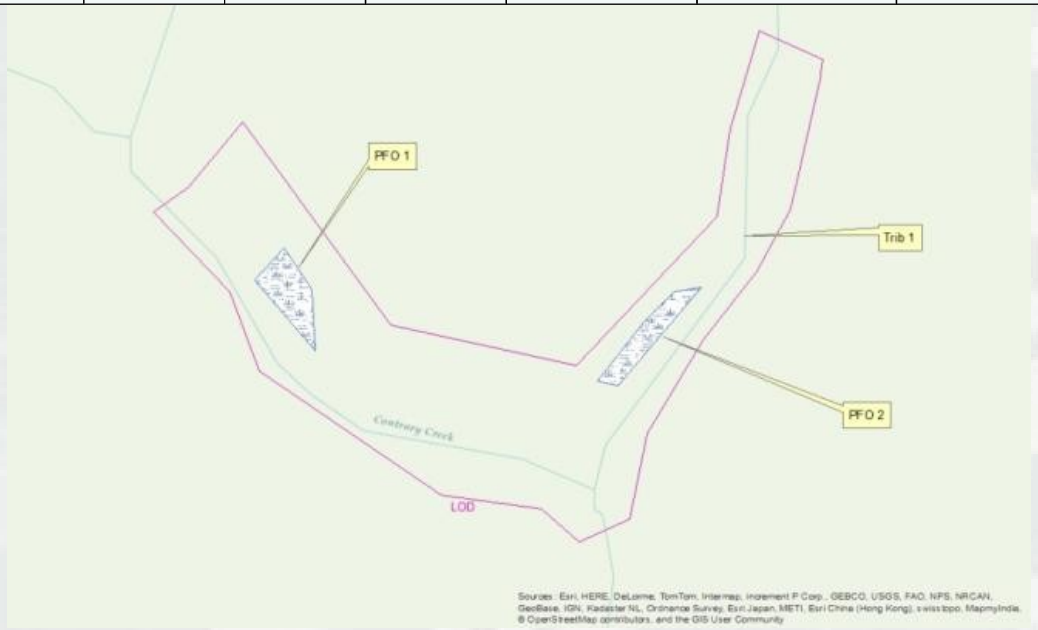
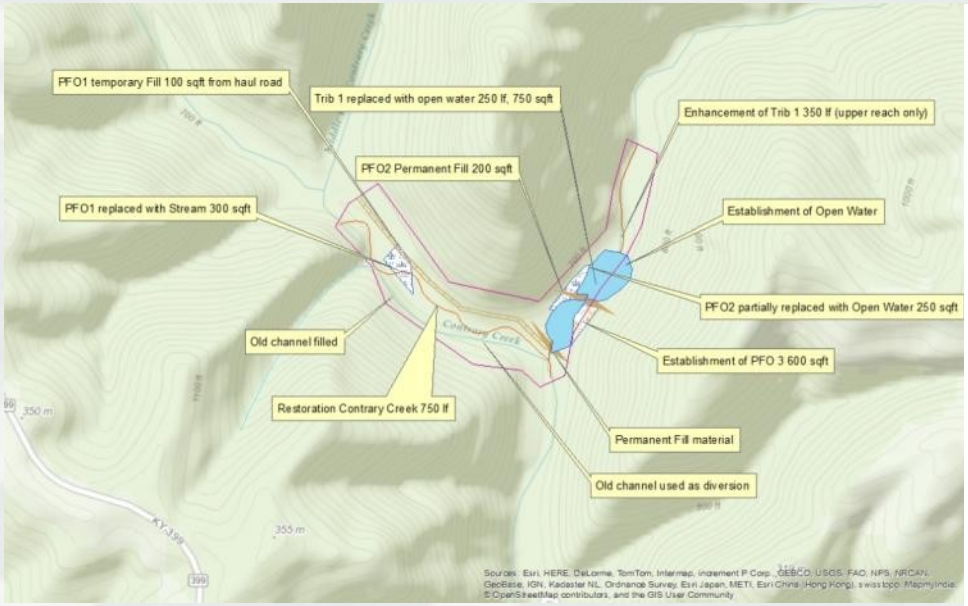


Table showing location and quality of existing waters.

**BIBI=Benthic Index of Biotic Integrity (macroinvertebrates) to be used for perennial streams only.*

***Modified RBP= Modified Rapid Bioassessment Protocol Score sheets can be found in Appendix 1 of the Bay TMDL RGP. The Modified RBP scores serve as degradation criteria for intermittent and perennial streams only*

Proposed project serves the goals of TMDL WIP and is under the overall impact limits


PFO1 temporary Fill 100 sqft from haul road
Trib 1 replaced with open water 250 lf, 750 sqft
Enhancement of Trib 1 350 lf (upper reach only)
PFO2 Permanent Fill 200 sqft
PFO1 replaced with Stream 300 sqft
Establishment of Open Water
PFO2 partially replaced with Open Water 250 sqft
Old channel filled
Establishment of PFO 3 600 sqft
Restoration Contrary Creek 750 lf
Permanent Fill material
Old channel used as diversion

Aquatic Resource Name	Existing Resource Class	Existing Resource Quality[1]	Activity[2]	Impact Duration	Impact Area (square ft)	Impact Length (linear ft)	Proposed resource class post-construction[5]
Contrary Creek	Per	BIBI 35%	Old channel Fill	P	20,000	750	UPL
Trib 1	Int	RBP 70	Ponding	P	2,000	250	POW
Trib 1	Int	RBP 64	ERE	P	750	200	Int
PFO1	PFO	NA	Haul road fill	T	100	NA	PFO
PFO1	PFO	NA	Replaced by new stream	P	300	NA	Per
PFO2	PFO	NA	Replaced by POW	P	250	NA	POW
PFO 2	PFO	NA	Berm fill	P	200	NA	UPL
Total Temporary and Permanent Impacts					23,600	1,200	

Total Temporary and Permanent Impacts:

-Under 1 Acre

-Less than 2,000 linear feet (Streams, rivers, and open water)

In General

1. Projects must be located in the Chesapeake Bay watershed and the project purpose must be to fulfill goals of an acceptable Watershed Implementation plan (WIP)
2. Total impacts to waters (temporary and permanent) must not exceed 1.0 acre. Of this no more than 2,000 linear feet of streams, rivers, open waters, or a combination thereof may be impacted
3. For proposed stream restoration/enhancement projects, degradation criteria for the existing streams must be met as described in section VI of the RGP
4. **Projects which block aquatic life movement are not authorized**
5. **Projects in tidal waters are not authorized**
6. Projects must not exceed conversion limitations shown in Table 1 of the RGP.

In General

1. Projects must be located in the Chesapeake Bay watershed and the project purpose must be to fulfill goals of an acceptable Watershed Implementation plan (WIP)
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4. Projects which block aquatic life movement are not authorized
5. Projects in tidal waters are not authorized
6. **Projects must not exceed conversion limitations shown in Table 1 of the RGP.**

Conversion by Aquatic Habitat

AQUATIC RESOURCES			EXISTING			PROPOSED		CHANGE
Aquatic Resource Name	**LAT**	**LONG**	**Aquatic Resource Type**	**Existing Length (feet)**	**Existing Area (sqft)**	**Proposed Length (feet)**	**Proposed Area (sqft)**	
Contrary Creek	37.5821	-83.7583	Perennial	750	20,000	0	0	**-750 lf**
Trib 1	37.5831	-83.7542	Intermittent	600	1,800	350	1,050	**-250 lf int**
PFO 1	37.5830	-83.7584	PFO	NA	2,500	NA	2,200	**-300 sf PFO**
PFO 2	37.5823	-83.7548	PFO	NA	2,500	NA	2,050	**-450 sf PFO**
Contrary Creek (Restored)	37.5817	-83.7577	Perennial	0	0	750	20,000	**+750 lf**
PFO 3	37.2122	-83.3545	PFO	NA	0	NA	600	**+600 sf PFO**
POW 1	37.5830	-83.7554	POW	NA	0	NA	30,000	**+30,000 sf POW**

Table showing existing vs proposed aquatic resources on project site. Resources yet to be created are shown in green. (PFO=Palustrine Forested Wetland, PEM=Palustrine Emergent Wetland, POW=Palustrine Open Water, Per=Perennial Stream, Int=Intermittent Stream, Eph=Ephemeral Stream). For resources which are proposed to change aquatic resource type as a result of the project, add those areas as new resources (green), removing the area from the proposed column under the resource's original name.

RESOURCE TYPE	EXISTING	PROPOSED	CHANGE	RESOURCE CONVERSION
Total Forested Wetland	5,000 sqft	4850 sqft	-150sqft	150 sqft
Total Emergent Wetland	0	0	0	0
Total Scrub-shrub Wetland	0	0	0	0
Total Open Water Wetland	0	30,000 sqft	+ 30,000 sqft	0
Total Stream	1,350 lf/21,800 sqft	1,100lf/21,050 sqft	-250 lf/ -750 sqft	250 lf/750 sqft

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Conversion by Aquatic Habitat

AQUATIC RESOURCES			EXISTING			PROPOSED		CHANGE
Aquatic Resource Name	**LAT**	**LONG**	**Aquatic Resource Type**	**Existing Length (feet)**	**Existing Area (sqft)**	**Proposed Length (feet)**	**Proposed Area (sqft)**	
Contrary Creek	37.5821	-83.7583	Perennial	750	20,000	0	0	**-750 lf**
Trib 1	37.5831	-83.7542	Intermittent	600	1,800	350	1050	**-250 lf int**
PFO 1	37.5830	-83.7584	PFO	NA	2,500	NA	2200	**-300 sf PFO**
PFO 2	37.5823	-83.7548	PFO	NA	2,500	NA	2050	**-450 sf PFO**
Contrary Creek (Restored)	37.5817	-83.7577	Perennial	0	0	750	20,000	**+750 lf**
PFO 3	37.2122	-83.3545	PFO	NA	0	NA	600	**+600 sf PFO**
POW 1	37.5830	-83.7554	POW	NA	0	NA	30,000	**+30,000 sf POW**

RESOURCE TYPE[1]	EXISTING	PROPOSED	CHANGE[2]	RESOURCE CONVERSION [3]
Total Forested Wetland	5,000 sqft	4850 sqft	-150sqft	150 sqft
Total Emergent Wetland	0	0	0	0
Total Scrub-shrub Wetland	0	0	0	0
Total Open Water Wetland	0	30,000 sqft	+ 30,000 sqft	0
Total Stream	1,900 lf/23,950 sqft	1,650 lf/23,200 sqft	-250 lf/ -750 sqft	250 lf/750 sqft

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Conversion by Aquatic Habitat

AQUATIC RESOURCES			EXISTING			PROPOSED		CHANGE
Aquatic Resource Name	**LAT**	**LONG**	**Aquatic Resource Type**	**Existing Length (feet)**	**Existing Area (sqft)**	**Proposed Length (feet)**	**Proposed Area (sqft)**	
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PFO 1	37.5830	-83.7584	PFO	NA	2,500	NA	2200	**-300 sf PFO**
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Contrary Creek (Restored)	37.5817	-83.7577	Perennial	0	0	750	20,000	**+750 lf**
PFO 3	37.2122	-83.3545	PFO	NA	0	NA	600	**+600 sf PFO**
POW 1	37.5830	-83.7554	POW	NA	0	NA	30,000	**+30,000 sf POW**

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Total Stream	1,900 lf/23,950 sqft	1,650 lf/23,200 sqft	-250 lf/ -750 sqft	250 lf/750 sqft

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Conversion by Aquatic Habitat

AQUATIC RESOURCES			EXISTING			PROPOSED		CHANGE
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Conversion by Aquatic Habitat

AQUATIC RESOURCES			EXISTING			PROPOSED		CHANGE
Aquatic Resource Name	**LAT**	**LONG**	**Aquatic Resource Type**	**Existing Length (feet)**	**Existing Area (sqft)**	**Proposed Length (feet)**	**Proposed Area (sqft)**	
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Total Stream	1,900 lf/23,950 sqft	1,650 lf/23,200 sqft	-250 lf/ -750 sqft	250 lf/750 sqft

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Conversion by Aquatic Habitat

AQUATIC RESOURCES			EXISTING			PROPOSED		CHANGE
Aquatic Resource Name	**LAT**	**LONG**	**Aquatic Resource Type**	**Existing Length (feet)**	**Existing Area (sqft)**	**Proposed Length (feet)**	**Proposed Area (sqft)**	
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Total Stream	1,900 lf/23,950 sqft	1,650 lf/23,200 sqft	-250 lf/ -750 sqft	250 lf/750 sqft

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Conversion Summary[1,3]

The Bay TMDL RGP may be used to authorize multiple conversion types for an overall project provided ALL the conversion thresholds are not exceeded.

	Total Conversion for Overall Project	**Conversion to Uplands**	**Conversion Among Aquatic Habitat Types[2,3]**
Wetlands (square feet)	150 sqft	0	150 sqft
Streams, rivers, and other open waters (square feet/linear feet)	750sqft/250 lf	0	750sqft/250 lf
All Waters of the U.S. (square feet)	1,000 sqft	0	1,000 sqft

[1] Impacted aquatic resources that are replaced in-kind and onsite (i.e., relocated) do not count against conversion thresholds provided there is a net increase in aquatic resource functions and services at the project site.

[2] Re-establishment or rehabilitation of aquatic habitat types in areas where these habitat types can be determined to have previously existed at the project site do not count against conversion thresholds. Historical evidence and documentation that the proposed habitat type previously existed at the site is required. Historical evidence collected from aerial photographs, prior delineations, historical maps, forensic soil analysis, and local nearby reference sites may provide details of the former extent and conditions of the aquatic habitat that previously existed on the site.

[3] Table above may be compared with table 1 of the BAY TMDL RGP to determine eligibility.

Compare Conversion Summary to Table 1 of the RGP

Conversion Summary *The Bay TMDL RGP may be used to authorize multiple conversion types for an overall project provided ALL the conversion thresholds are not exceeded.*			
	Total Conversion for Overall Project	**Conversion to Uplands**	**Conversion Among Aquatic Habitat Types**
Wetlands (square feet)	150 sqft	0	150 sqft
Streams, rivers, and other open waters (square feet/linear feet	750sqft/250 lf	0	750sqft/250 lf
All Waters of the U.S. (square feet)	1,000 sqft	0	1,000 sqft

Table 1: Conversion Thresholds under the Bay TMDL RGP[1] *The Bay TMDL RGP may be used to authorize multiple conversion types for an overall project provided ALL the following conversion thresholds are not exceeded.*			
	Total Conversion Limit for Overall Project	**Conversion to Uplands Limit**	**Limit to Conversion Among Aquatic Habitat Types[2]**
Wetlands (square feet)	5,000 sq ft	5,000 sq ft	5,000 sq ft
Streams, rivers, and other open waters (square feet/linear feet)	10, 000 sq ft/500 lf	5,000 sq ft/200 lf	10,000 sq ft/500 lf
All Waters of the U.S. (square feet)	10,000 sq ft	5,000 sq ft	10,000 sq ft
[1] Impacted aquatic resources that are replaced in-kind and onsite (i.e., relocated) do not count against conversion thresholds provided there is a net increase in aquatic resource functions and services at the project site.			

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- 2) Determining Project Category

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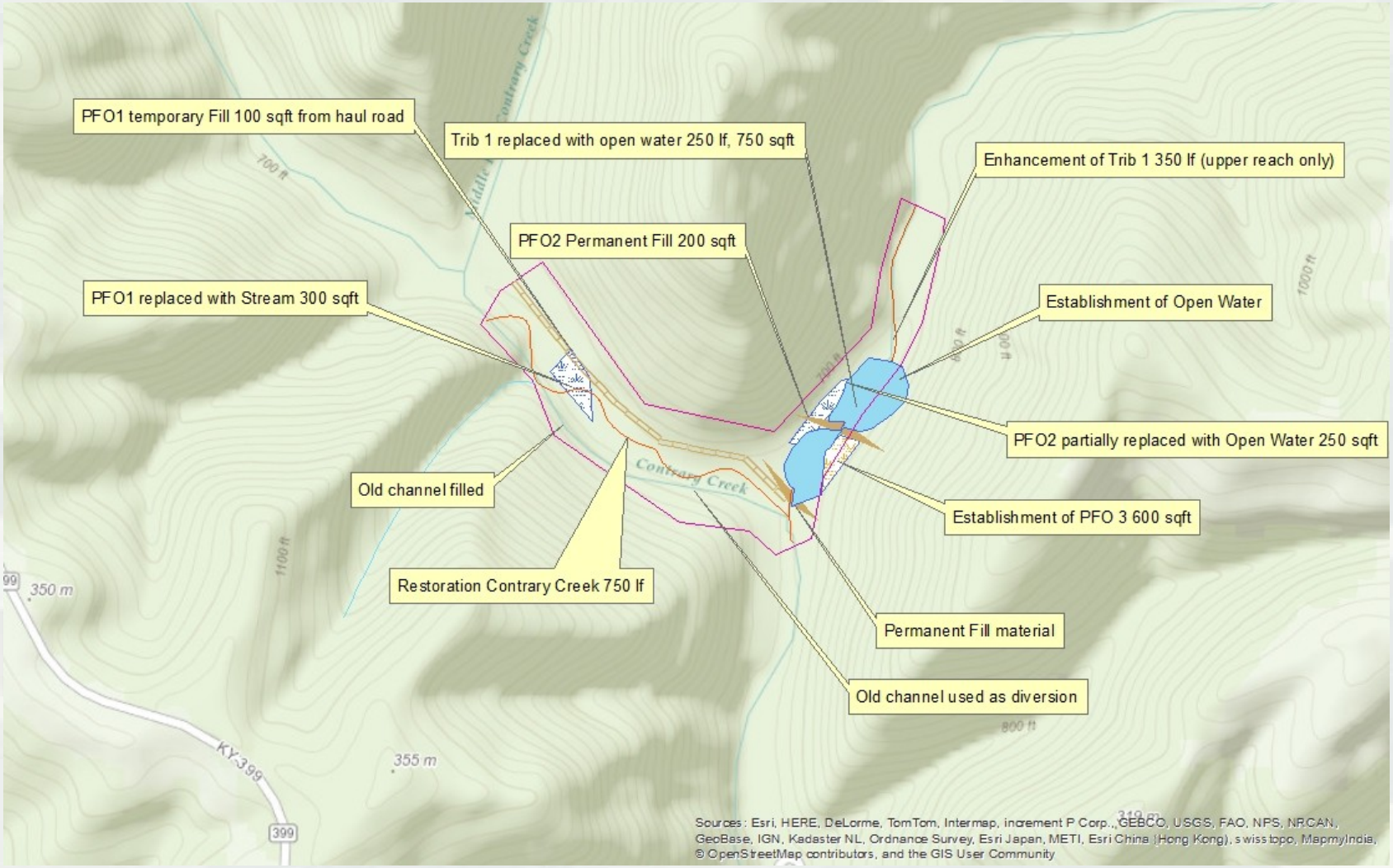
CATEGORY I:
All retrofit activities on existing stormwater management facilities
All retrofit activities performed on existing concrete-lined stormwater management outfalls
All activities to restore or enhance existing piped or concrete-lined stream channels
All other projects with total temporary and permanent impacts not to exceed 200 linear feet or 5,000 square feet of nontidal waters of the U.S., which do not occur in wetlands

CATEGORY II:
Projects with total temporary and permanent impacts greater than 5,000 square feet but not exceeding 10,000 square feet of waters of the U.S.
Projects with total temporary and permanent impacts greater than 200 linear feet but not exceeding 500 linear feet of streams, rivers, and other open waters
Projects with total temporary and permanent impacts not more than 5,000 square feet of nontidal wetlands

CATEGORY III:
Projects with total temporary and permanent impacts greater than 10,000 square feet but not exceeding 43,560 square feet (1.0 acre) of waters of the U.S.
Projects with total temporary and permanent impacts greater than 500 linear feet but not exceeding 2,000 linear feet of stream, rivers, and other open waters
Projects with total temporary and permanent impacts greater than 5,000 square feet but not exceeding 43,560 square feet (1.0 acre) of nontidal wetlands
Projects that will occur in or adjacent to a proposed or existing Federally authorized civil works project
Projects that will occur along or within 150 feet of the horizontal limits of a Federal navigation project
Projects that have the potential to cause effects to any historic properties listed, determined to be eligible for listing, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties
Projects that may have effects on any Federally listed threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will destroy or adversely modify the designated critical habitat of such species.

What Category of the Bay TMDL RGP Does Contrary Creek Fit Under?


PFO1 temporary Fill 100 sqft from haul road
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Enhancement of Trib 1 350 lf (upper reach only)
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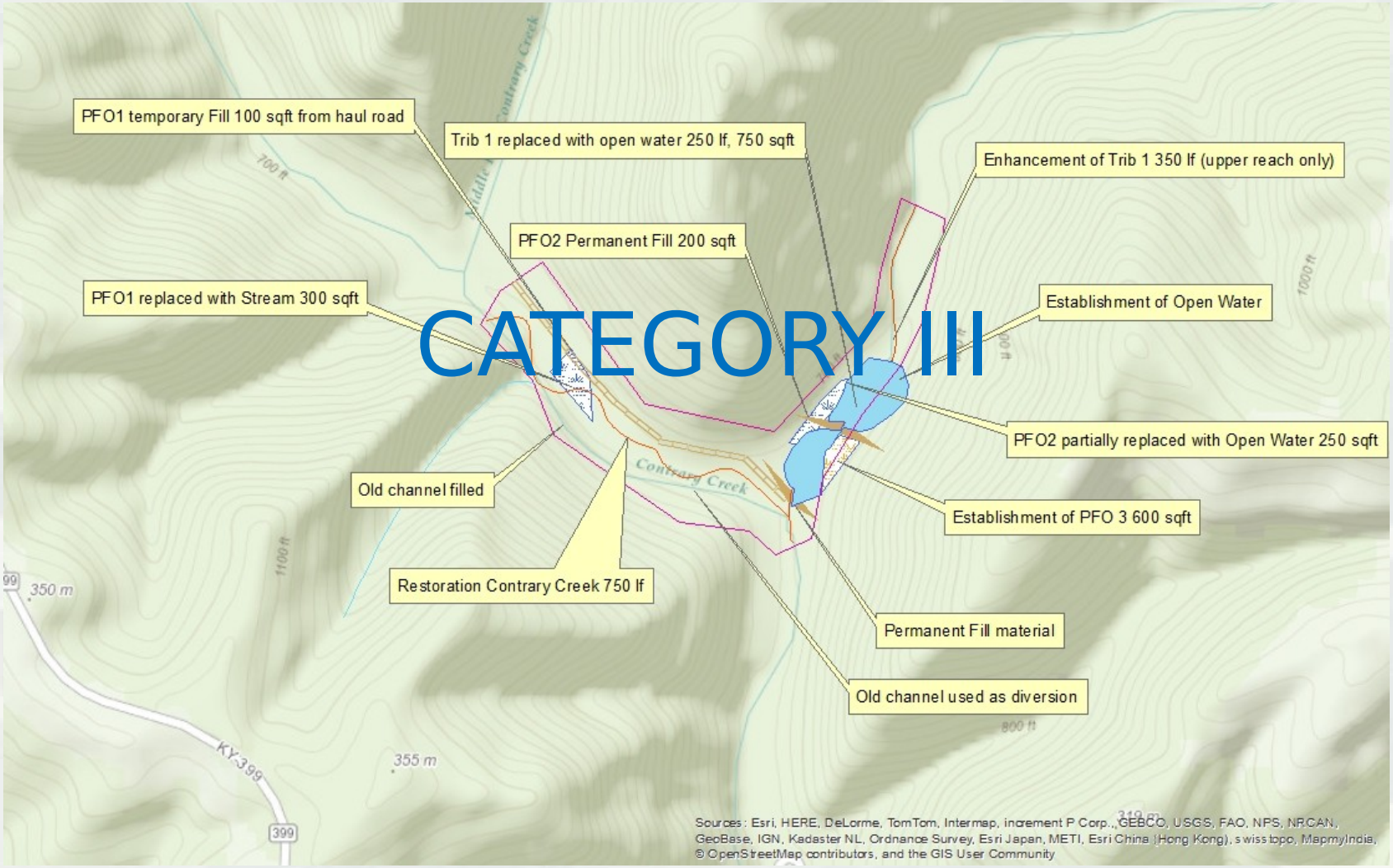
Establishment of Open Water
PFO2 partially replaced with Open Water 250 sqft
Old channel filled
Establishment of PFO 3 600 sqft
Restoration Contrary Creek 750 lf
Permanent Fill material
Old channel used as diversion
Contrary Creek
Middle Fork Contrary Creek
700 ft
1000 ft
1100 ft
800 ft
350 m
355 m
KY-399
399
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

What Category of the Bay TMDL RGP Does Contrary Creek Fit Under?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CATEGORY III
Establishment of Open Water
PFO2 partially replaced with Open Water 250 sqft
Old channel filled
Establishment of PFO 3 600 sqft
Restoration Contrary Creek 750 lf
Permanent Fill material
Old channel used as diversion
Contrary Creek
350 m
355 m
KY-399
399
Sources: Esri, HERE, DeLorme, TomTom, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

Table 2: Summary of Required Documentation by Project Category

Documentation	Category I (Self Reporting)	Category II (Reports at as-built phase only)	Category III Retrofits	Category III Restoration/Enhancement
Attach Self-Verification Form: Appendix 2 of Bay TMDL RGP to JPA or state application. No further pre-construction correspondence with Corps is required.	X	X		
Attach PCN Appendix 3 of Bay TMDL RGP to JPA or Corps application) Permit Application Required by Corps *See RGP Section XI*			X	X
Verify existing stream meets degradation criteria	Self-Verified	Send Documentation with As-built report	Include Documentation with Application	Include Documentation with Application
Verify project compliance with ESA Section 7 and NHPA Section 106 (see RGP section XI.4 and XI.5)	Self-Verified	Send Documentation with As-built report	Include Documentation with Application	Include Documentation with Application
Functional Lift Projection		Send Documentation with As-built report	Project Dependent	Include Documentation with Application
Temporary Impact Remediation Plan	Self-Verified	Send Documentation with As-built report	Include Documentation with Application	Include Documentation with Application
As-built Report (Plans, Photos, Functional Lift Calculations)				

Table 2*listing the documentation required by the Corps under the Bay TMDL RGP by Category. An "X" indicates that the selected documentation must be sent to the Corps for the respective project Category.*

Table 2: Summary of Required Documentation by Project Category

Documentation	Category I (Self Reporting)	Category II (Reports at as-built phase only)	Category III Retrofits	Category III Restoration/Enhancement
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Attach PCN Appendix 3 of Bay TMDL RGP to JPA or Corps application) Permit Application Required by Corps *See RGP Section XI*			X	X
Verify existing stream meets degradation criteria	Self-Verified	Send Documentation with As-built report	Include Documentation with Application	Include Documentation with Application
Verify project compliance with ESA Section 7 and NHPA Section 106 (see RGP section XI.4 and XI.5)	Self-Verified	Send Documentation with As-built report	Include Documentation with Application	Include Documentation with Application
Functional Lift Projection		Send Documentation with As-built report	Project Dependent	Include Documentation with Application
Temporary Impact Remediation Plan	Self-Verified	Send Documentation with As-built report	Include Documentation with Application	Include Documentation with Application
As-built Report (Plans, Photos, Functional Lift Projection)				

Table 2*listing the documentation required by the Corps under the Bay TMDL RGP by Category. An "X" indicates that the selected documentation must be sent to the Corps for the respective project Category.*

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Documentation	Category I (Self Reporting)	Category II (Reports at as-built phase only)	Category III Retrofits	Category III Restoration/Enhancement
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Attach PCN Appendix 3 of Bay TMDL RGP to JPA or Corps application) Permit Application Required by Corps *See RGP Section XI*			X	X
Verify existing stream meets degradation criteria	Self-Verified	Send Documentation with As-built report	Include Documentation with Application	Include Documentation with Application
Verify project compliance with ESA Section 7 and NHPA Section 106 (see RGP section XI.4 and XI.5)	Self-Verified	Send Documentation with As-built report	Include Documentation with Application	Include Documentation with Application
Functional Lift Projection		Send Documentation with As-built report	Project Dependent	Include Documentation with Application
Temporary Impact Remediation Plan	Self-Verified	Send Documentation with As-built report	Include Documentation with Application	Include Documentation with Application
As-built Report (Post-Project				

Table 2*listing the documentation required by the Corps under the Bay TMDL RGP by Category. An "X" indicates that the selected documentation must be sent to the Corps for the respective project Category.*

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Verify existing stream meets degradation criteria	Self-Verified	Send Documentation with As-built report	Include Documentation with Application	Include Documentation with Application
Verify project compliance with ESA Section 7 and NHPA Section 106 (see RGP section XI.4 and XI.5)	Self-Verified	Send Documentation with As-built report	Include Documentation with Application	Include Documentation with Application
Functional Lift Projection		Send Documentation with As-built report	Project Dependent	Include Documentation with Application
Temporary Impact Remediation Plan	Self-Verified	Send Documentation with As-built report	Include Documentation with Application	Include Documentation with Application
As-built Report (Plan Sheets				

Table 2*listing the documentation required by the Corps under the Bay TMDL RGP by Category. An "X" indicates that the selected documentation must be sent to the Corps for the respective project Category.*

3) How to Obtain Authorization

How to obtain/apply for authorization under the Bay TMDL RGP

A. To obtain/apply for Corps authorization on a project that meets the terms and conditions of the Bay TMDL RGP, first review section IX of the RGP. *Please note: even on projects which are self-reporting to the Corps, applicants must still comply with other federal, state, and local laws and regulations.* After reviewing section IX of the RGP, see application instructions by state listed below.

1) Maryland (Maryland Department of the Environment (MDE)
http://www.nab.usace.army.mil/Portals/63/docs/Regulatory/Permits/MD_Application.pdf

2) Washington, DC (District Department of the Environment (DDOE)
http://www.nab.usace.army.mil/Portals/63/docs/Regulatory/Permits/MD_Application.pdf

3) Virginia (Virginia Marine Resources Commission (VMRC)*
http://www.nao.usace.army.mil/Missions/Regulatory/JPA.aspx

*In Virginia the Bay TMDL RGP is applicable only for projects in Ft. Belvoir, Ft.

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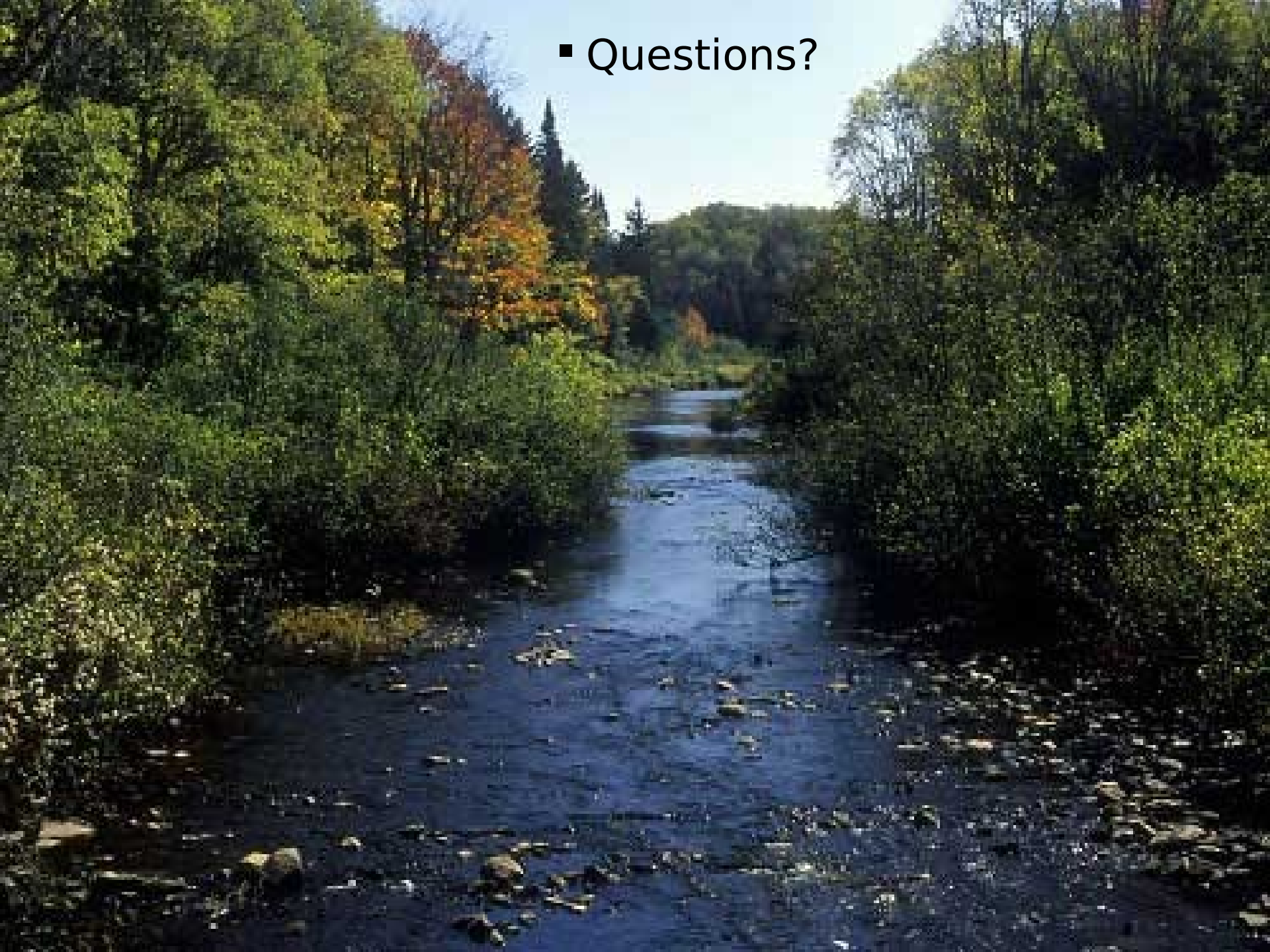

- Questions?

Bay TMDL RGP Contacts and Website

http://www.nab.usace.army.mil/Missions/Regulatory/BayTMDL.aspx

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